



Rep. Lou Lang

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09800SB1955ham002

LRB098 05666 HEP 49187 a

1 AMENDMENT TO SENATE BILL 1955

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1955 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis Pilot  
5 Program Act is amended by changing Sections 10, 30, 55, 60, 65,  
6 75, 85, 105, 115, 120, 125, 140, 165, 170, 175, and 185 and by  
7 adding Sections 105.5 and 130.5 as follows:

8 (410 ILCS 130/10)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 10. Definitions. The following terms, as used in this  
11 Act, shall have the meanings set forth in this Section:

12 (a) "Adequate supply" means:

13 (1) 2.5 ounces of usable cannabis during a period of 14  
14 days and that is derived solely from an intrastate source.

15 (2) Subject to the rules of the Department of Public  
16 Health, a patient may apply for a waiver where a physician

1 provides a substantial medical basis in a signed, written  
2 statement asserting that, based on the patient's medical  
3 history, in the physician's professional judgment, 2.5  
4 ounces is an insufficient adequate supply for a 14-day  
5 period to properly alleviate the patient's debilitating  
6 medical condition or symptoms associated with the  
7 debilitating medical condition.

8 (3) This subsection may not be construed to authorize  
9 the possession of more than 2.5 ounces at any time without  
10 authority from the Department of Public Health.

11 (4) The pre-mixed weight of medical cannabis used in  
12 making a cannabis infused product shall apply toward the  
13 limit on the total amount of medical cannabis a registered  
14 qualifying patient may possess at any one time.

15 (b) "Cannabis" has the meaning given that term in Section 3  
16 of the Cannabis Control Act.

17 (c) "Cannabis plant monitoring system" means a system that  
18 includes, but is not limited to, testing and data collection  
19 established and maintained by the registered cultivation  
20 center and available to the Department of Agriculture for the  
21 purposes of documenting each cannabis plant and for monitoring  
22 plant development throughout the life cycle of a cannabis plant  
23 cultivated for the intended use by a qualifying patient from  
24 seed planting to final packaging.

25 (d) "Cardholder" means a qualifying patient or a designated  
26 caregiver who has been issued and possesses a valid registry

1 identification card by the Department of Public Health.

2 (e) "Cultivation center" means a facility operated by an  
3 organization or business that is registered by the Department  
4 of Agriculture to perform necessary activities to provide only  
5 registered medical cannabis dispensing organizations with  
6 usable medical cannabis.

7 (f) "Cultivation center agent" means a principal officer,  
8 board member, employee, or agent of a registered cultivation  
9 center who is 21 years of age or older and has not been  
10 convicted of an excluded offense.

11 (g) "Cultivation center agent identification card" means a  
12 document issued by the Department of Agriculture that  
13 identifies a person as a cultivation center agent.

14 (h) "Debilitating medical condition" means one or more of  
15 the following:

16 (1) cancer, glaucoma, positive status for human  
17 immunodeficiency virus, acquired immune deficiency  
18 syndrome, hepatitis C, amyotrophic lateral sclerosis,  
19 Crohn's disease, agitation of Alzheimer's disease,  
20 cachexia/wasting syndrome, muscular dystrophy, severe  
21 fibromyalgia, spinal cord disease, including but not  
22 limited to arachnoiditis, Tarlov cysts, hydromyelia,  
23 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,  
24 spinal cord injury, traumatic brain injury and  
25 post-concussion syndrome, Multiple Sclerosis,  
26 Arnold-Chiari malformation and Syringomyelia,

1 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,  
2 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, ~~RSD~~  
3 ~~(Complex Regional Pain Syndromes Type I)~~, Causalgia, ~~CRPS~~  
4 ~~(Complex Regional Pain Syndromes Type II)~~,  
5 Neurofibromatosis, Chronic Inflammatory Demyelinating  
6 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial  
7 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella  
8 syndrome, residual limb pain, or the treatment of these  
9 conditions; or

10 (2) any other debilitating medical condition or its  
11 treatment that is added by the Department of Public Health  
12 by rule as provided in Section 45.

13 (i) "Designated caregiver" means a person who: (1) is at  
14 least 21 years of age; (2) has agreed to assist with a  
15 patient's medical use of cannabis; (3) has not been convicted  
16 of an excluded offense; and (4) assists no more than one  
17 registered qualifying patient with his or her medical use of  
18 cannabis.

19 (j) "Dispensing organization agent identification card"  
20 means a document issued by the Department of Financial and  
21 Professional Regulation that identifies a person as a medical  
22 cannabis dispensing organization agent.

23 (k) "Enclosed, locked facility" means a room, greenhouse,  
24 building, or other enclosed area equipped with locks or other  
25 security devices that permit access only by a cultivation  
26 center's agents or a dispensing organization's agent working

1 for the registered cultivation center or the registered  
2 dispensing organization to cultivate, store, and distribute  
3 cannabis for registered qualifying patients.

4 (l) "Excluded offense" means:

5 (1) a violent crime defined in Section 3 of the Rights  
6 of Crime Victims and Witnesses Act or a substantially  
7 similar offense that was classified as a felony in the  
8 jurisdiction where the person was convicted; or

9 (2) a violation of a state or federal controlled  
10 substance law that was classified as a felony in the  
11 jurisdiction where the person was convicted, except that  
12 the registering Department may waive this restriction if  
13 the person demonstrates to the registering Department's  
14 satisfaction that his or her conviction was for the  
15 possession, cultivation, transfer, or delivery of a  
16 reasonable amount of cannabis intended for medical use.  
17 This exception does not apply if the conviction was under  
18 state law and involved a violation of an existing medical  
19 cannabis law.

20 (m) "Medical cannabis cultivation center registration"  
21 means a registration issued by the Department of Agriculture.

22 (n) "Medical cannabis container" means a sealed,  
23 traceable, food compliant, tamper resistant, tamper evident  
24 container, or package used for the purpose of containment of  
25 medical cannabis from a cultivation center to a dispensing  
26 organization.

1           (o) "Medical cannabis dispensing organization", or  
2 "dispensing organization", or "dispensary organization" means  
3 a facility operated by an organization or business that is  
4 registered by the Department of Financial and Professional  
5 Regulation to acquire medical cannabis from a registered  
6 cultivation center for the purpose of dispensing cannabis,  
7 paraphernalia, or related supplies and educational materials  
8 to registered qualifying patients.

9           (p) "Medical cannabis dispensing organization agent" or  
10 "dispensing organization agent" means a principal officer,  
11 owner, partner, board member, employee, or agent of a  
12 registered medical cannabis dispensing organization who is 21  
13 years of age or older and has not been convicted of an excluded  
14 offense.

15           (q) "Medical cannabis infused product" means food, oils,  
16 ointments, or other products containing usable cannabis that  
17 are not smoked.

18           (r) "Medical use" means the acquisition; administration;  
19 delivery; possession; transfer; transportation; or use of  
20 cannabis to treat or alleviate a registered qualifying  
21 patient's debilitating medical condition or symptoms  
22 associated with the patient's debilitating medical condition.

23           (s) "Physician" means a doctor of medicine or doctor of  
24 osteopathy licensed under the Medical Practice Act of 1987 to  
25 practice medicine and who has a controlled substances license  
26 under Article III of the Illinois Controlled Substances Act. It

1 does not include a licensed practitioner under any other Act  
2 including but not limited to the Illinois Dental Practice Act.

3 (t) "Qualifying patient" means a person who has been  
4 diagnosed by a physician as having a debilitating medical  
5 condition.

6 (u) "Registered" means licensed, permitted, or otherwise  
7 certified by the Department of Agriculture, Department of  
8 Public Health, or Department of Financial and Professional  
9 Regulation.

10 (v) "Registry identification card" means a document issued  
11 by the Department of Public Health that identifies a person as  
12 a registered qualifying patient or registered designated  
13 caregiver.

14 (w) "Usable cannabis" means the seeds, leaves, buds,  
15 extracted resin, and flowers of the cannabis plant and any  
16 mixture or preparation thereof, but does not include the  
17 stalks, and roots of the plant. It does not include the weight  
18 of any non-cannabis ingredients combined with cannabis, such as  
19 ingredients added to prepare a topical administration, food, or  
20 drink.

21 (x) "Verification system" means a Web-based system  
22 established and maintained by the Department of Public Health  
23 that is available to the Department of Agriculture, the  
24 Department of Financial and Professional Regulation, law  
25 enforcement personnel, and registered medical cannabis  
26 dispensing organization agents on a 24-hour basis for the

1 verification of registry identification cards, the tracking of  
2 delivery of medical cannabis to medical cannabis dispensing  
3 organizations, and the tracking of the date of sale, amount,  
4 and price of medical cannabis purchased by a registered  
5 qualifying patient.

6 (x-5) "Veterans Affairs facility" or "VA facility" means  
7 (1) any hospital, Veterans Home, outpatient clinic,  
8 community-based outpatient facility, or any other medical  
9 facility operating under the auspices of the United States  
10 Veterans Health Administration, the United States Department  
11 of Veterans Affairs, or the Illinois Department of Veterans'  
12 Affairs or (2) any other facility certified by the United  
13 States Department of Veterans Affairs Medical Center in the  
14 State of Illinois.

15 (y) "Written certification" means a document dated and  
16 signed by a physician, stating (1) that in the physician's  
17 professional opinion the patient is likely to receive  
18 therapeutic or palliative benefit from the medical use of  
19 cannabis to treat or alleviate the patient's debilitating  
20 medical condition or symptoms associated with the debilitating  
21 medical condition; (2) that the qualifying patient has a  
22 debilitating medical condition and specifying the debilitating  
23 medical condition the qualifying patient has; and (3) that the  
24 patient is under the physician's care for the debilitating  
25 medical condition. A written certification shall be made only  
26 in the course of a bona fide physician-patient relationship,

1 after the physician has completed an assessment of the  
2 qualifying patient's medical history, reviewed relevant  
3 records related to the patient's debilitating condition, and  
4 conducted a physical examination.

5 A veteran who has received treatment at a VA facility  
6 ~~hospital~~ shall be deemed to have a bona fide physician-patient  
7 relationship with a ~~VA~~ physician at a VA facility if the  
8 patient has been seen for his or her debilitating medical  
9 condition at the VA facility ~~Hospital~~ in accordance with VA  
10 facility ~~Hospital~~ protocols.

11 A bona fide physician-patient relationship under this  
12 subsection is a privileged communication within the meaning of  
13 Section 8-802 of the Code of Civil Procedure.

14 (Source: P.A. 98-122, eff. 1-1-14.)

15 (410 ILCS 130/30)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 30. Limitations and penalties.

18 (a) This Act does not permit any person to engage in, and  
19 does not prevent the imposition of any civil, criminal, or  
20 other penalties for engaging in, the following conduct:

21 (1) Undertaking any task under the influence of  
22 cannabis, when doing so would constitute negligence,  
23 professional malpractice, or professional misconduct;

24 (2) Possessing cannabis:

25 (A) in a school bus;

1 (B) on the grounds of any preschool or primary or  
2 secondary school;

3 (C) in any correctional facility;

4 (D) in a vehicle under Section 11-502.1 of the  
5 Illinois Vehicle Code;

6 (E) in a vehicle not open to the public unless the  
7 medical cannabis is in a reasonably secured, sealed,  
8 tamper-evident container and reasonably inaccessible  
9 while the vehicle is moving; or

10 (F) in a private residence that is used at any time  
11 to provide licensed child care or other similar social  
12 service care on the premises;

13 (3) Using cannabis:

14 (A) in a school bus;

15 (B) on the grounds of any preschool or primary or  
16 secondary school;

17 (C) in any correctional facility;

18 (D) in any motor vehicle;

19 (E) in a private residence that is used at any time  
20 to provide licensed child care or other similar social  
21 service care on the premises;

22 (F) in any public place. "Public place" as used in  
23 this subsection means any place where an individual  
24 could reasonably be expected to be observed by others.  
25 A "public place" includes all parts of buildings owned  
26 in whole or in part, or leased, by the State or a local

1 unit of government. A "public place" does not include a  
2 private residence unless the private residence is used  
3 to provide licensed child care, foster care, or other  
4 similar social service care on the premises. For  
5 purposes of this subsection, a "public place" does not  
6 include a health care facility. For purposes of this  
7 Section, a "health care facility" includes, but is not  
8 limited to, hospitals, nursing homes, hospice care  
9 centers, and long-term care facilities;

10 (G) knowingly in close physical proximity to  
11 anyone under the age of 18 years of age;

12 (4) Smoking medical cannabis in any public place where  
13 an individual could reasonably be expected to be observed  
14 by others, in a health care facility, or any other place  
15 where smoking is prohibited under the Smoke Free Illinois  
16 Act;

17 (5) Operating, navigating, or being in actual physical  
18 control of any motor vehicle, aircraft, or motorboat while  
19 using or under the influence of cannabis in violation of  
20 Sections 11-501 and 11-502.1 of the Illinois Vehicle Code;

21 (6) Using or possessing cannabis if that person does  
22 not have a debilitating medical condition and is not a  
23 registered qualifying patient or caregiver;

24 (7) Allowing any person who is not allowed to use  
25 cannabis under this Act to use cannabis that a cardholder  
26 is allowed to possess under this Act;

1           (8) Transferring cannabis to any person contrary to the  
2 provisions of this Act;

3           (9) The use of medical cannabis by an active duty law  
4 enforcement officer, correctional officer, correctional  
5 probation officer, emergency medical technician, or  
6 firefighter; or

7           (10) The use of medical cannabis by a person who has a  
8 school bus permit or a Commercial Driver's License.

9           (b) Nothing in this Act shall be construed to prevent the  
10 arrest or prosecution of a registered qualifying patient for  
11 reckless driving or driving under the influence of cannabis  
12 where probable cause exists.

13           (c) Notwithstanding any other criminal penalties related  
14 to the unlawful possession of cannabis, knowingly making a  
15 misrepresentation to a law enforcement official of any fact or  
16 circumstance relating to the medical use of cannabis to avoid  
17 arrest or prosecution is a petty offense punishable by a fine  
18 of up to \$1,000, which shall be in addition to any other  
19 penalties that may apply for making a false statement or for  
20 the use of cannabis other than use undertaken under this Act.

21           (d) Notwithstanding any other criminal penalties related  
22 to the unlawful possession of cannabis, any person who makes a  
23 misrepresentation of a medical condition to a physician or  
24 fraudulently provides material misinformation to a physician  
25 in order to obtain a written certification is guilty of a petty  
26 offense punishable by a fine of up to \$1,000.

1           (e) Any cardholder or registered caregiver who sells  
2 cannabis shall have his or her registry identification card  
3 revoked and is subject to other penalties for the unauthorized  
4 sale of cannabis.

5           (f) Any registered qualifying patient who commits a  
6 violation of Section 11-502.1 of the Illinois Vehicle Code or  
7 refuses a properly requested test related to operating a motor  
8 vehicle while under the influence of cannabis shall have his or  
9 her registry identification card revoked.

10          (g) No registered qualifying patient or designated  
11 caregiver shall knowingly obtain, seek to obtain, or possess,  
12 individually or collectively, an amount of usable cannabis from  
13 a registered medical cannabis dispensing organization that  
14 would cause him or her to exceed the authorized adequate supply  
15 under subsection (a) of Section 10.

16          (h) Nothing in this Act shall prevent a private business  
17 from restricting or prohibiting the medical use of cannabis on  
18 its property.

19          (i) Nothing in this Act shall prevent a university,  
20 college, or other institution of post-secondary education from  
21 restricting or prohibiting the use of medical cannabis on its  
22 property.

23          (Source: P.A. 98-122, eff. 1-1-14.)

24           (410 ILCS 130/55)

25           (Section scheduled to be repealed on January 1, 2018)

1           Sec. 55. Registration of qualifying patients and  
2 designated caregivers.

3           (a) The Department of Public Health shall issue registry  
4 identification cards to qualifying patients and designated  
5 caregivers who submit a completed application, and at minimum,  
6 the following, in accordance with Department of Public Health  
7 rules:

8           (1) A written certification, on a form developed by the  
9 Department of Public Health and issued by a physician,  
10 within 90 days immediately preceding the date of an  
11 application; however, if the applicant is a veteran  
12 receiving treatment at a VA facility, the applicant need  
13 not submit a written certification, but the Department of  
14 Public Health shall verify that the applicant is (i) a  
15 veteran, (ii) an Illinois resident, (iii) currently  
16 receiving any aspect of his or her treatment at a VA  
17 facility, and (iv) being treated for a debilitating medical  
18 condition.

19           (2) upon the execution of applicable privacy waivers,  
20 the patient's medical documentation related to his or her  
21 debilitating condition and any other information that may  
22 be reasonably required by the Department of Public Health  
23 to confirm that the physician and patient have a bona fide  
24 physician-patient relationship, that the qualifying  
25 patient is in the physician's care for any aspect of his or  
26 her debilitating medical condition, and to substantiate

1 the patient's diagnosis;

2 (3) the application or renewal fee as set by rule;

3 (4) the name, address, date of birth, and social  
4 security number of the qualifying patient, except that if  
5 the applicant is homeless no address is required;

6 (5) the name, address, and telephone number of the  
7 qualifying patient's physician;

8 (6) the name, address, and date of birth of the  
9 designated caregiver, if any, chosen by the qualifying  
10 patient;

11 (7) (blank) ~~the name of the registered medical cannabis~~  
12 ~~dispensing organization the qualifying patient designates;~~

13 (8) signed statements from the patient and designated  
14 caregiver asserting that they will not divert medical  
15 cannabis; and

16 (9) completed background checks for the patient and  
17 designated caregiver.

18 (b) In addition to the requirements of subsection (a) of  
19 this Section the Department of Public Health, as part of its  
20 application process, shall provide each qualifying patient  
21 applying for a registry identification card a notice that  
22 states, at a minimum, the following information:

23 (1) the patient understands that possession of a  
24 registry identification card does not permit the patient to  
25 drive while impaired by the use of cannabis;

26 (2) the patient understands that by accepting the

1 issuance of a registry identification card he or she  
2 consents to performing standardized field sobriety tests  
3 at the request of any law enforcement officer that has  
4 reasonable suspicion to believe the patient is driving or  
5 in actual physical control of a motor vehicle while  
6 impaired by the use of cannabis;

7 (3) refusal to submit to standardized field sobriety  
8 tests and the results of standardized field sobriety tests  
9 are admissible in administrative hearings and civil and  
10 criminal courts of law for the purpose of establishing that  
11 the patient was impaired by the use of cannabis; and

12 (4) refusal to submit to standardized field sobriety  
13 tests shall result in the suspension of the patient's  
14 driver's license for a period of 12 months; failure of  
15 field sobriety tests shall result in the suspension of the  
16 patient's driver's license for a period of 6 months; and  
17 refusal or failure shall result in the revocation of the  
18 patient's registry identification card.

19 The patient must sign and date this notice as part of the  
20 application process prior to the issuance of a registry  
21 identification card by the Department of Public Health.

22 (Source: P.A. 98-122, eff. 1-1-14.)

23 (410 ILCS 130/60)

24 (Section scheduled to be repealed on January 1, 2018)

25 Sec. 60. Issuance of registry identification cards.

1 (a) Except as provided in subsection (b), the Department of  
2 Public Health shall:

3 (1) verify the information contained in an application  
4 or renewal for a registry identification card submitted  
5 under this Act, and approve or deny an application or  
6 renewal, within 30 days of receiving a completed  
7 application or renewal application and all supporting  
8 documentation specified in Section 55;

9 (2) issue registry identification cards to a  
10 qualifying patient and his or her designated caregiver, if  
11 any, within 15 business days of approving the application  
12 or renewal;

13 (3) enter the registry identification number of the  
14 registered dispensing organization the patient designates  
15 into the verification system; and

16 (4) allow for an electronic application process, and  
17 provide a confirmation by electronic or other methods that  
18 an application has been submitted.

19 (b) The Department of Public Health may not issue a  
20 registry identification card to a qualifying patient who is  
21 under 18 years of age.

22 (c) A veteran who has received treatment at a VA facility  
23 ~~hospital~~ is deemed to have a bona fide physician-patient  
24 relationship with a ~~VA~~ physician at a VA facility if the  
25 patient has been seen for his or her debilitating medical  
26 condition at the VA facility ~~hospital~~ in accordance with VA

1 facility ~~hospital~~ protocols. All reasonable inferences  
2 regarding the existence of a bona fide physician-patient  
3 relationship shall be drawn in favor of an applicant who is a  
4 veteran and has undergone treatment at a VA facility ~~hospital~~.

5 (d) Upon the approval of the registration and issuance of a  
6 registry card under this Section, the Department of Public  
7 Health shall forward the designated caregiver or registered  
8 qualified patient's driver's registration number to the  
9 Secretary of State and certify that the individual is permitted  
10 to engage in the medical use of cannabis. For the purposes of  
11 law enforcement, the Secretary of State shall make a notation  
12 on the person's driving record stating the person is a  
13 registered qualifying patient who is entitled to the lawful  
14 medical use of cannabis. If the person no longer holds a valid  
15 registry card, the Department shall notify the Secretary of  
16 State and the Secretary of State shall remove the notation from  
17 the person's driving record. The Department and the Secretary  
18 of State may establish a system by which the information may be  
19 shared electronically.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 (410 ILCS 130/65)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 65. Denial of registry identification cards.

24 (a) The Department of Public Health may deny an application  
25 or renewal of a qualifying patient's registry identification

1 card only if the applicant:

2 (1) did not provide the required information and  
3 materials;

4 (2) previously had a registry identification card  
5 revoked;

6 (3) did not meet the requirements of this Act; or

7 (4) provided false or falsified information.

8 (a-5) Notwithstanding the provisions of subsection (a) of  
9 this Section, the Department of Public Health may deny an  
10 application or renewal of a qualifying patient's registry  
11 identification card if, in the case of an applicant submitting  
12 an application without a written certification because the  
13 applicant is a veteran receiving treatment for a debilitating  
14 medical condition at a VA facility, the Department of Public  
15 Health could not verify through reasonable means that the  
16 applicant is (i) a veteran, (ii) an Illinois resident, (iii)  
17 currently receiving any aspect of his or her treatment at a VA  
18 facility, and (iv) being treated for a debilitating medical  
19 condition.

20 (b) No person who has been convicted of a felony under the  
21 Illinois Controlled Substances Act, Cannabis Control Act, or  
22 Methamphetamine Control and Community Protection Act, or  
23 similar provision in a local ordinance or other jurisdiction is  
24 eligible to receive a registry identification card.

25 (c) The Department of Public Health may deny an application  
26 or renewal for a designated caregiver chosen by a qualifying

1 patient whose registry identification card was granted only if:

2 (1) the designated caregiver does not meet the  
3 requirements of subsection (i) of Section 10;

4 (2) the applicant did not provide the information  
5 required;

6 (3) the prospective patient's application was denied;

7 (4) the designated caregiver previously had a registry  
8 identification card revoked; or

9 (5) the applicant or the designated caregiver provided  
10 false or falsified information.

11 (d) The Department of Public Health through the Illinois  
12 State Police shall conduct a fingerprint-based criminal  
13 background check of the prospective qualifying patient and  
14 designated caregiver in order to carry out this provision. Each  
15 prospective patient and designated caregiver shall submit his  
16 or her fingerprints to the Department of State Police in the  
17 form and manner prescribed by the Department of State Police.  
18 These fingerprints shall be checked against the fingerprint  
19 records filed in the Department of State Police and Federal  
20 Bureau of Investigation criminal history records databases.  
21 The Department of State Police shall charge a fee for  
22 conducting a criminal history record check, which shall be  
23 deposited in the State Police Services Fund and shall not  
24 exceed the actual cost of the record check. The Department of  
25 State Police shall furnish, pursuant to positive  
26 identification, all Illinois conviction information to the

1 Department of Public Health. The Department of State Police  
2 shall be reimbursed for the cost of the background check by the  
3 Department of Public Health. ~~Each person applying as a~~  
4 ~~qualifying patient or a designated caregiver shall submit a~~  
5 ~~full set of fingerprints to the Department of Public Health for~~  
6 ~~the purpose of obtaining a state and federal criminal records~~  
7 ~~check. The Department of Public Health may exchange this data~~  
8 ~~with the Department of State Police or the Federal Bureau of~~  
9 ~~Investigation without disclosing that the records check is~~  
10 ~~related to this Act. The Department of Public Health shall~~  
11 ~~destroy each set of fingerprints after the criminal records~~  
12 ~~check is completed.~~ The Department of Public Health may waive  
13 the submission of a qualifying patient's complete fingerprints  
14 based on (1) the severity of the patient's illness and (2) the  
15 inability of the qualifying patient to obtain those  
16 fingerprints, provided that a complete criminal background  
17 check is conducted by the Department of State Police prior to  
18 the issuance of a registry identification card.

19 (e) The Department of Public Health shall notify the  
20 qualifying patient who has designated someone to serve as his  
21 or her designated caregiver if a registry identification card  
22 will not be issued to the designated caregiver.

23 (f) Denial of an application or renewal is considered a  
24 final Department action, subject to judicial review.  
25 Jurisdiction and venue for judicial review are vested in the  
26 Circuit Court.

1 (Source: P.A. 98-122, eff. 1-1-14.)

2 (410 ILCS 130/75)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 75. Notifications to Department of Public Health and  
5 responses; civil penalty.

6 (a) The following notifications and Department of Public  
7 Health responses are required:

8 (1) A registered qualifying patient shall notify the  
9 Department of Public Health of any change in his or her  
10 name or address, or if the registered qualifying patient  
11 ceases to have his or her debilitating medical condition,  
12 within 10 days of the change.

13 (2) A registered designated caregiver shall notify the  
14 Department of Public Health of any change in his or her  
15 name or address, or if the designated caregiver becomes  
16 aware the registered qualifying patient passed away,  
17 within 10 days of the change.

18 (3) Before a registered qualifying patient changes his  
19 or her designated caregiver, the qualifying patient must  
20 notify the Department of Public Health.

21 (4) If a cardholder loses his or her registry  
22 identification card, he or she shall notify the Department  
23 of Public Health within 10 days of becoming aware the card  
24 has been lost.

25 (b) When a cardholder notifies the Department of Public

1 Health of items listed in subsection (a), but remains eligible  
2 under this Act, the Department of Public Health shall issue the  
3 cardholder a new registry identification card with a new random  
4 alphanumeric identification number within 15 business days of  
5 receiving the updated information and a fee as specified in  
6 Department of Public Health rules. If the person notifying the  
7 Department of Public Health is a registered qualifying patient,  
8 the Department shall also issue his or her registered  
9 designated caregiver, if any, a new registry identification  
10 card within 15 business days of receiving the updated  
11 information.

12 (c) If a registered qualifying patient ceases to be a  
13 registered qualifying patient or changes his or her registered  
14 designated caregiver, the Department of Public Health shall  
15 promptly notify the designated caregiver. The registered  
16 designated caregiver's protections under this Act as to that  
17 qualifying patient shall expire 15 days after notification by  
18 the Department.

19 (d) A cardholder who fails to make a notification to the  
20 Department of Public Health that is required by this Section is  
21 subject to a civil infraction, punishable by a penalty of no  
22 more than \$150.

23 (e) A registered qualifying patient shall notify the  
24 Department of Public Health of his or her initial designated  
25 registered dispensing organization and any change to his or her  
26 designated registered dispensing organization. Registered

1 dispensing organizations must comply with all requirements of  
2 this Act. A registry identification card shall be active and a  
3 registered qualifying patient or caregiver may not purchase  
4 medical cannabis prior to notifying the Department of Public  
5 Health of the registered qualifying patient's designated  
6 registered dispensing organization.

7 (f) If the registered qualifying patient's certifying  
8 physician notifies the Department of Public Health in writing  
9 that either the registered qualifying patient has ceased to  
10 suffer from a debilitating medical condition or that the  
11 physician no longer believes the patient would receive  
12 therapeutic or palliative benefit from the medical use of  
13 cannabis, the card shall become null and void. However, the  
14 registered qualifying patient shall have 15 days to destroy his  
15 or her remaining medical cannabis and related paraphernalia.

16 (Source: P.A. 98-122, eff. 1-1-14.)

17 (410 ILCS 130/85)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 85. Issuance and denial of medical cannabis  
20 cultivation permit.

21 (a) The Department of Agriculture may register up to 22  
22 cultivation center registrations for operation. No more than 3  
23 Illinois State Police Districts, as the boundaries of those  
24 districts were specified on the date January 1, 2013, may  
25 contain more than one registered cultivation center. The

1 Department of Agriculture may not issue more than 2  
2 registrations ~~one registration~~ per each Illinois State Police  
3 District boundary as specified on the date of January 1, 2013.  
4 The Department of Agriculture may not issue less than the 22  
5 registrations if there are qualified applicants who have  
6 applied with the Department.

7 (b) The registrations shall be issued and renewed annually  
8 as determined by administrative rule.

9 (c) The Department of Agriculture shall determine a  
10 registration fee by rule.

11 (d) A cultivation center may only operate if it has been  
12 issued a valid registration from the Department of Agriculture.  
13 When applying for a cultivation center registration, the  
14 applicant shall submit the following in accordance with  
15 Department of Agriculture rules:

16 (1) the proposed legal name of the cultivation center;

17 (2) the proposed physical address of the cultivation  
18 center and description of the enclosed, locked facility as  
19 it applies to cultivation centers where medical cannabis  
20 will be grown, harvested, manufactured, packaged, or  
21 otherwise prepared for distribution to a dispensing  
22 organization;

23 (3) the name, address, and date of birth of each  
24 principal officer and board member of the cultivation  
25 center, provided that all those individuals shall be at  
26 least 21 years of age;

1           (4) any instance in which a business that any of the  
2           prospective board members of the cultivation center had  
3           managed or served on the board of the business and was  
4           convicted, fined, censured, or had a registration or  
5           license suspended or revoked in any administrative or  
6           judicial proceeding;

7           (5) cultivation, inventory, and packaging plans;

8           (6) proposed operating by-laws that include procedures  
9           for the oversight of the cultivation center, development  
10          and implementation of a plant monitoring system, medical  
11          cannabis container tracking system, accurate record  
12          keeping, staffing plan, and security plan reviewed by the  
13          State Police that are in accordance with the rules issued  
14          by the Department of Agriculture under this Act. A physical  
15          inventory shall be performed of all plants and medical  
16          cannabis containers on a weekly basis;

17          (7) experience with agricultural cultivation  
18          techniques and industry standards;

19          (8) any academic degrees, certifications, or relevant  
20          experience with related businesses;

21          (9) the identity of every person, association, trust,  
22          or corporation having any direct or indirect pecuniary  
23          interest in the cultivation center operation with respect  
24          to which the registration is sought. If the disclosed  
25          entity is a trust, the application shall disclose the names  
26          and addresses of the beneficiaries; if a corporation, the

1 names and addresses of all stockholders and directors; if a  
2 partnership, the names and addresses of all partners, both  
3 general and limited;

4 (10) verification from the State Police that all  
5 background checks of the principal officer, board members,  
6 and registered agents have been conducted and those  
7 individuals have not been convicted of an excluded offense;

8 (11) provide a copy of the current local zoning  
9 ordinance to the Department of Agriculture and verify that  
10 proposed cultivation center is in compliance with the local  
11 zoning rules issued in accordance with Section 140;

12 (12) an application fee set by the Department of  
13 Agriculture by rule; and

14 (13) any other information required by Department of  
15 Agriculture rules, including, but not limited to a  
16 cultivation center applicant's experience with the  
17 cultivation of agricultural or horticultural products,  
18 operating an agriculturally related business, or operating  
19 a horticultural business.

20 (e) An application for a cultivation center permit must be  
21 denied if any of the following conditions are met:

22 (1) the applicant failed to submit the materials  
23 required by this Section, including if the applicant's  
24 plans do not satisfy the security, oversight, inventory, or  
25 recordkeeping rules issued by the Department of  
26 Agriculture;

1           (2) the applicant would not be in compliance with local  
2 zoning rules issued in accordance with Section 140;

3           (3) one or more of the prospective principal officers  
4 or board members has been convicted of an excluded offense;

5           (4) one or more of the prospective principal officers  
6 or board members has served as a principal officer or board  
7 member for a registered dispensing organization or  
8 cultivation center that has had its registration revoked;

9           (5) one or more of the principal officers or board  
10 members is under 21 years of age;

11           (6) a principal officer or board member of the  
12 cultivation center has been convicted of a felony under the  
13 laws of this State, any other state, or the United States;

14           (7) a principal officer or board member of the  
15 cultivation center has been convicted of any violation of  
16 Article 28 of the Criminal Code of 2012, or substantially  
17 similar laws of any other jurisdiction; or

18           (8) the person has submitted an application for a  
19 certificate under this Act which contains false  
20 information.

21 (Source: P.A. 98-122, eff. 1-1-14.)

22 (410 ILCS 130/105)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 105. Requirements; prohibitions; penalties for  
25 cultivation centers.

1 (a) The operating documents of a registered cultivation  
2 center shall include procedures for the oversight of the  
3 cultivation center, a cannabis plant monitoring system  
4 including a physical inventory recorded weekly, a cannabis  
5 container system including a physical inventory recorded  
6 weekly, accurate record keeping, and a staffing plan.

7 (b) A registered cultivation center shall implement a  
8 security plan reviewed by the State Police and including but  
9 not limited to: facility access controls, perimeter intrusion  
10 detection systems, personnel identification systems, 24-hour  
11 surveillance system to monitor the interior and exterior of the  
12 registered cultivation center facility and accessible to  
13 authorized law enforcement and the Department of Agriculture  
14 ~~Financial and Professional Regulation~~ in real-time.

15 (c) A registered cultivation center may not be located  
16 within 2,500 feet of the property line of a pre-existing public  
17 or private preschool or elementary or secondary school or day  
18 care center, day care home, group day care home, part day child  
19 care facility, or an area zoned for residential use.

20 (d) All cultivation of cannabis for distribution to a  
21 registered dispensing organization must take place in an  
22 enclosed, locked facility as it applies to cultivation centers  
23 at the physical address provided to the Department of  
24 Agriculture during the registration process. The cultivation  
25 center location shall only be accessed by the cultivation  
26 center agents working for the registered cultivation center,

1 Department of Agriculture staff performing inspections,  
2 Department of Public Health staff performing inspections, law  
3 enforcement or other emergency personnel, and contractors  
4 working on jobs unrelated to medical cannabis, such as  
5 installing or maintaining security devices or performing  
6 electrical wiring.

7 (e) A cultivation center may not sell or distribute any  
8 cannabis to any individual or entity other than a dispensary  
9 organization registered under this Act.

10 (f) All harvested cannabis intended for distribution to a  
11 dispensing organization must be packaged in a labeled medical  
12 cannabis container and entered into a data collection system.

13 (g) No person who has been convicted of an excluded offense  
14 may be a cultivation center agent.

15 (h) Registered cultivation centers are subject to random  
16 inspection by the State Police.

17 (i) Registered cultivation centers are subject to random  
18 inspections by the Department of Agriculture and the Department  
19 of Public Health.

20 (j) A cultivation center agent shall notify local law  
21 enforcement, the State Police, and the Department of  
22 Agriculture within 24 hours of the discovery of any loss or  
23 theft. Notification shall be made by phone or in-person, or by  
24 written or electronic communication.

25 (k) A cultivation center shall comply with all State and  
26 federal rules and regulations regarding the use of pesticides.

1 (Source: P.A. 98-122, eff. 1-1-14.)

2 (410 ILCS 130/105.5 new)

3 Sec. 105.5. Cease and desist; Director of Agriculture.

4 (a) If any person violates a provision of this Act, the  
5 Director of Agriculture may, in the name of the People of the  
6 State of Illinois, through the Attorney General of the State of  
7 Illinois, petition for an order enjoining the violation or for  
8 an order enforcing compliance with this Act. Upon the filing of  
9 a verified petition in court, the court may issue a temporary  
10 restraining order, without notice or bond, and may  
11 preliminarily and permanently enjoin the violation. If it is  
12 established that the person has violated or is violating the  
13 injunction, the court may punish the offender for contempt of  
14 court. Proceedings under this Section are in addition to, and  
15 not in lieu of, all other remedies and penalties provided by  
16 this Act.

17 (b) If any person, entity, or other business sells cannabis  
18 to a dispensing organization without having a valid license  
19 under this Act, then any licensee, any interested party, or any  
20 person injured thereby may, in addition to the Director of  
21 Agriculture, petition for relief as provided in subsection (a)  
22 of this Section.

23 (c) Whenever in the opinion of the Department of  
24 Agriculture any person, entity, or other business violates any  
25 provision of this Act, the Department of Agriculture may issue

1 a rule to show cause why an order to cease and desist should  
2 not be entered against such person, firm, or other entity. The  
3 rule shall clearly set forth the grounds relied upon by the  
4 Department and shall provide a period of at least 7 days from  
5 the date of the rule to file an answer to the satisfaction of  
6 the Department of Agriculture. If the person, firm, or other  
7 entity fails to file an answer satisfactory to the Department  
8 of Agriculture, the matter shall be considered as a default and  
9 the Department of Agriculture may cause an order to cease and  
10 desist to be issued immediately.

11 (410 ILCS 130/115)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 115. Registration of dispensing organizations.

14 (a) The Department of Financial and Professional  
15 Regulation may issue up to 60 dispensing organization  
16 registrations for operation. The Department of Financial and  
17 Professional Regulation may not issue less than the 60  
18 registrations if there are qualified applicants who have  
19 applied with the Department of Financial and Professional  
20 Regulation. The organizations shall be geographically  
21 dispersed throughout the State to allow all registered  
22 qualifying patients reasonable proximity and access to a  
23 dispensing organization.

24 (b) A dispensing organization may only operate if it has  
25 been issued a registration from the Department of Financial and

1 Professional Regulation. The Department of Financial and  
2 Professional Regulation shall adopt rules establishing the  
3 procedures for applicants for dispensing organizations.

4 (c) When applying for a dispensing organization  
5 registration, the applicant shall submit, at a minimum, the  
6 following in accordance with Department of Financial and  
7 Professional Regulation rules:

8 (1) a non-refundable application fee established by  
9 rule;

10 (2) the proposed legal name of the dispensing  
11 organization;

12 (3) the proposed physical address of the dispensing  
13 organization;

14 (4) the name, address, and date of birth of each  
15 principal officer, ~~and~~ board member, owner, and partner of  
16 the dispensing organization, provided that all those  
17 individuals shall be at least 21 years of age;

18 (5) information, in writing, regarding any instances  
19 in which a business or not-for-profit that any of the  
20 prospective board members managed or served on the board  
21 was convicted, fined, censured, or had a registration  
22 suspended or revoked in any administrative or judicial  
23 proceeding;

24 (6) proposed operating by-laws that include procedures  
25 for the oversight of the medical cannabis dispensing  
26 organization and procedures to ensure accurate record

1 keeping and security measures that are in accordance with  
2 the rules applied by the Department of Financial and  
3 Professional Regulation under this Act. The by-laws shall  
4 include a description of the enclosed, locked facility  
5 where medical cannabis will be stored by the dispensing  
6 organization; and

7 (7) signed statements from each dispensing  
8 organization agent stating that they will not divert  
9 medical cannabis.

10 (d) The Department of Financial and Professional  
11 Regulation shall conduct a background check of the prospective  
12 dispensing organization agents in order to carry out this  
13 provision. The Department of State Police shall be reimbursed  
14 for the cost of the background check by the Department of  
15 Financial and Professional Regulation. Each person applying as  
16 a dispensing organization agent shall submit a full set of  
17 fingerprints to the Department of Financial and Professional  
18 Regulation for the purpose of obtaining a state and federal  
19 criminal records check. The Department of Financial and  
20 Professional Regulation may exchange this data with the  
21 Department of State Police and the Federal Bureau of  
22 Investigation without disclosing that the records check is  
23 related to this Act. The Department of Financial and  
24 Professional Regulation shall destroy each set of fingerprints  
25 after the criminal records check is completed.

26 (e) A dispensing organization must pay a registration fee

1 set by the Department of Financial and Professional Regulation.

2 (f) An application for a medical cannabis dispensing  
3 organization registration must be denied if any of the  
4 following conditions are met:

5 (1) the applicant failed to submit the materials  
6 required by this Section, including if the applicant's  
7 plans do not satisfy the security, oversight, or  
8 recordkeeping rules issued by the Department of Financial  
9 and Professional Regulation;

10 (2) the applicant would not be in compliance with local  
11 zoning rules issued in accordance with Section 140;

12 (3) the applicant does not meet the requirements of  
13 Section 130;

14 (4) one or more of the prospective principal officers,  
15 ~~or~~ board members, owners, or partners has been convicted of  
16 an excluded offense;

17 (5) one or more of the prospective principal officers,  
18 ~~or~~ board members, owners, or partners has served as a  
19 principal officer, ~~or~~ board member, owner, or partner for a  
20 registered medical cannabis dispensing organization that  
21 has had its registration revoked;

22 (6) one or more of the principal officers, ~~or~~ board  
23 members, owners, or partners is under 21 years of age; and

24 (7) one or more of the principal officers, ~~or~~ board  
25 members, owners, or partners is a registered qualified  
26 patient or a registered caregiver.

1 (Source: P.A. 98-122, eff. 1-1-14.)

2 (410 ILCS 130/120)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 120. Dispensing organization agent identification  
5 card.

6 (a) The Department of Financial and Professional  
7 Regulation shall:

8 (1) verify the information contained in an application  
9 or renewal for a dispensing organization agent  
10 identification card submitted under this Act, and approve  
11 or deny an application or renewal, within 30 days of  
12 receiving a completed application or renewal application  
13 and all supporting documentation required by rule;

14 (2) issue a dispensing organization agent  
15 identification card to a qualifying agent within 15  
16 business days of approving the application or renewal;

17 (3) enter the registry identification number of the  
18 dispensing organization where the agent works; and

19 (4) allow for an electronic application process, and  
20 provide a confirmation by electronic or other methods that  
21 an application has been submitted.

22 (b) A dispensing agent must keep his or her identification  
23 card visible at all times when on the property of a dispensing  
24 organization.

25 (c) The dispensing organization agent identification cards

1 shall contain the following:

2 (1) the name of the cardholder;

3 (2) the date of issuance and expiration date of the  
4 dispensing organization agent identification cards;

5 (3) a random 10 digit alphanumeric identification  
6 number containing at least 4 numbers and at least 4  
7 letters; that is unique to the holder; and

8 (4) a photograph of the cardholder.

9 (d) The dispensing organization agent identification cards  
10 shall be immediately returned to the dispensing organization  
11 ~~cultivation center~~ upon termination of employment.

12 (e) Any card lost by a dispensing organization agent shall  
13 be reported to the Illinois State Police and the Department of  
14 Financial and Professional Regulation ~~Agriculture~~ immediately  
15 upon discovery of the loss.

16 (f) An applicant shall be denied a dispensing organization  
17 agent identification card if he or she has been convicted of an  
18 excluded offense.

19 (Source: P.A. 98-122, eff. 1-1-14.)

20 (410 ILCS 130/125)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 125. Medical cannabis dispensing organization  
23 certification renewal.

24 (a) The registered dispensing organization shall receive  
25 written notice 90 days prior to the expiration of its current

1 registration that the registration will expire. The Department  
2 of Financial and Professional Regulation shall grant a renewal  
3 application within 45 days of its submission if the following  
4 conditions are satisfied:

5 (1) the registered dispensing organization submits a  
6 renewal application and the required renewal fee  
7 established by the Department of Financial and  
8 Professional Regulation rules; and

9 (2) the Department of Financial and Professional  
10 Regulation has not suspended or revoked the registered  
11 dispensing organization ~~or suspended or revoked the~~  
12 ~~registration~~ for violation of this Act or rules adopted  
13 under this Act.

14 (b) If a dispensing organization fails to renew its  
15 registration prior to expiration, the dispensing organization  
16 shall cease operations until registration is renewed.

17 (c) If a dispensing organization agent fails to renew his  
18 or her registration prior to its expiration, he or she shall  
19 cease to work or volunteer at a dispensing organization until  
20 his or her registration is renewed.

21 (d) Any dispensing organization that continues to operate  
22 or dispensing agent that continues to work or volunteer at a  
23 dispensing organization that fails to renew its registration  
24 shall be subject to penalty as provided in Section 130.

25 (Source: P.A. 98-122, eff. 1-1-14.)

1 (410 ILCS 130/130.5 new)

2 Sec. 130.5. Cease and desist; Director of Financial and  
3 Professional Regulation.

4 (a) If any person violates a provision of this Act, the  
5 Director of Financial and Professional Regulation may, in the  
6 name of the People of the State of Illinois, through the  
7 Attorney General of the State of Illinois, petition for an  
8 order enjoining the violation or for an order enforcing  
9 compliance with this Act. Upon the filing of a verified  
10 petition in court, the court may issue a temporary restraining  
11 order, without notice or bond, and may preliminarily and  
12 permanently enjoin the violation. If it is established that the  
13 person has violated or is violating the injunction, the court  
14 may punish the offender for contempt of court. Proceedings  
15 under this Section are in addition to, and not in lieu of, all  
16 other remedies and penalties provided by this Act.

17 (b) If any person, entity, or other business sells cannabis  
18 to a qualifying patient or caregiver without having a valid  
19 license under this Act, then any licensee, any interested  
20 party, or any person injured thereby may, in addition to the  
21 Director of Financial and Professional Regulation, petition  
22 for relief as provided in subsection (a) of this Section.

23 (c) Whenever in the opinion of the Department of Financial  
24 and Professional Regulation any person, entity, or other  
25 business violates any provision of this Act, the Department of  
26 Financial and Professional Regulation may issue a rule to show

1 cause why an order to cease and desist should not be entered  
2 against such person, firm, or other entity. The rule shall  
3 clearly set forth the grounds relied upon by the Department of  
4 Financial and Professional Regulation and shall provide a  
5 period of at least 7 days from the date of the rule to file an  
6 answer to the satisfaction of the Department. If the person,  
7 firm, or other entity fails to file an answer satisfactory to  
8 the Department of Financial and Professional Regulation, the  
9 matter shall be considered as a default and the Department of  
10 Financial and Professional Regulation may cause an order to  
11 cease and desist to be issued immediately.

12 (410 ILCS 130/140)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 140. Local ordinances. A unit of local government may  
15 enact reasonable zoning ordinances or resolutions, not in  
16 conflict with this Act or with Department of Agriculture,  
17 Department of Financial and Professional Regulation, or  
18 Department of Public Health rules, regulating registered  
19 medical cannabis cultivation center or medical cannabis  
20 dispensing organizations. No unit of local government,  
21 including a home rule unit, or school district may regulate  
22 registered medical cannabis organizations other than as  
23 provided in this Act and may not unreasonably prohibit the  
24 cultivation, dispensing, and use of medical cannabis  
25 authorized by this Act. This Section is a denial and limitation

1 under subsection (i) of Section 6 of Article VII of the  
2 Illinois Constitution on the concurrent exercise by home rule  
3 units of powers and functions exercised by the State.

4 (Source: P.A. 98-122, eff. 1-1-14.)

5 (410 ILCS 130/165)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 165. Administrative rulemaking.

8 (a) Not later than 120 days after the effective date of  
9 this Act, the Department of Public Health, Department of  
10 Agriculture, Department of State Police, and ~~the~~ Department of  
11 Financial and Professional Regulation shall develop rules in  
12 accordance to their responsibilities under this Act and file  
13 those rules with the Joint Committee on Administrative Rules.

14 (b) The Department of Public Health rules shall address,  
15 but not be limited to, the following:

16 (1) fees for applications for registration as a  
17 qualified patient or caregiver;

18 (2) establishing the form and content of registration  
19 and renewal applications submitted under this Act,  
20 including a standard form for written certifications;

21 (3) governing the manner in which it shall consider  
22 applications for and renewals of registry identification  
23 cards;

24 (4) the manufacture of medical cannabis-infused  
25 products;

1           (5) fees for the application and renewal of registry  
2           identification cards. Fee revenue may be offset or  
3           supplemented by private donations;

4           (6) any other matters as are necessary for the fair,  
5           impartial, stringent, and comprehensive administration of  
6           this Act; and

7           (7) reasonable rules concerning the medical use of  
8           cannabis at a nursing care institution, hospice, assisted  
9           living center, assisted living facility, assisted living  
10          home, residential care institution, or adult day health  
11          care facility.

12          (c) The Department of Agriculture rules shall address, but  
13          not be limited to the following related to registered  
14          cultivation centers, with the goal of protecting against  
15          diversion and theft, without imposing an undue burden on the  
16          registered cultivation centers:

17               (1) oversight requirements for registered cultivation  
18               centers;

19               (2) recordkeeping requirements for registered  
20               cultivation centers;

21               (3) security requirements for registered cultivation  
22               centers, which shall include that each registered  
23               cultivation center location must be protected by a fully  
24               operational security alarm system;

25               (4) rules and standards for what constitutes an  
26               enclosed, locked facility under this Act;

1           (5) procedures for suspending or revoking the  
2 registration certificates or registry identification cards  
3 of registered cultivation centers and their agents that  
4 commit violations of the provisions of this Act or the  
5 rules adopted under this Section;

6           (6) rules concerning the intrastate transportation of  
7 medical cannabis from a cultivation center to a dispensing  
8 organization;

9           (7) standards concerning the testing, quality, and  
10 cultivation of medical cannabis;

11           (8) any other matters as are necessary for the fair,  
12 impartial, stringent, and comprehensive administration of  
13 this Act;

14           (9) application and renewal fees for cultivation  
15 center agents; and

16           (10) application, renewal, and registration fees for  
17 cultivation centers.

18           (d) The Department of Financial and Professional  
19 Regulation rules shall address, but not be limited to the  
20 following matters related to registered dispensing  
21 organizations, with the goal of protecting against diversion  
22 and theft, without imposing an undue burden on the registered  
23 dispensing organizations or compromising the confidentiality  
24 of cardholders:

25           (1) application and renewal and registration fees for  
26 dispensing organizations and dispensing organizations

1 agents;

2 (2) medical cannabis dispensing agent-in-charge  
3 oversight requirements for dispensing organizations;

4 (3) recordkeeping requirements for dispensing  
5 organizations;

6 (4) security requirements for medical cannabis  
7 dispensing organizations, which shall include that each  
8 registered dispensing organization location must be  
9 protected by a fully operational security alarm system; and

10 (5) procedures for suspending or suspending the  
11 registrations of dispensing organizations and dispensing  
12 organization agents that commit violations of the  
13 provisions of this Act or the rules adopted under this  
14 Act.~~7~~

15 ~~(6) application and renewal fees for dispensing~~  
16 ~~organizations; and~~

17 ~~(7) application and renewal fees for dispensing~~  
18 ~~organization agents.~~

19 (e) The Department of Public Health may establish a sliding  
20 scale of patient application and renewal fees based upon a  
21 qualifying patient's household income. The Department of  
22 Public health may accept donations from private sources to  
23 reduce application and renewal fees, and registry  
24 identification card fees shall include an additional fee set by  
25 rule which shall be used to develop and disseminate educational  
26 information about the health risks associated with the abuse of

1 cannabis and prescription medications.

2 (f) During the rule-making process, each Department shall  
3 make a good faith effort to consult with stakeholders  
4 identified in the rule-making analysis as being impacted by the  
5 rules, including patients or a representative of an  
6 organization advocating on behalf of patients.

7 (g) The Department of Public Health shall develop and  
8 disseminate educational information about the health risks  
9 associated with the abuse of cannabis and prescription  
10 medications.

11 (Source: P.A. 98-122, eff. 1-1-14.)

12 (410 ILCS 130/170)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 170. Enforcement of this Act.

15 (a) If a Department fails to adopt rules to implement this  
16 Act within the times provided for in this Act, any citizen may  
17 commence a mandamus action in the Circuit Court to compel the  
18 Departments to perform the actions mandated under the  
19 provisions of this Act.

20 (b) If the Department of Public Health, Department of  
21 Agriculture, or Department of Financial and Professional  
22 Regulation fails to issue a valid agent or registry  
23 identification card in response to a valid application or  
24 renewal submitted under this Act or fails to issue a verbal or  
25 written notice of denial of the application within 30 days of

1 its submission, the agent or registry identification card is  
2 deemed granted, and a copy of the agent or registry  
3 identification card application, including a valid written  
4 certification in the case of patients, or renewal shall be  
5 deemed a valid agent or registry identification card.

6 (c) Authorized employees of State or local law enforcement  
7 agencies shall immediately notify the Department of Public  
8 Health when any person in possession of a registry  
9 identification card has been determined by a court of law to  
10 have willfully violated the provisions of this Act or has pled  
11 guilty to the offense.

12 (Source: P.A. 98-122, eff. 1-1-14.)

13 (410 ILCS 130/175)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 175. Administrative hearings. All administrative  
16 hearings under this Act shall be conducted in accordance with  
17 each respective department's ~~the Department of Public Health's~~  
18 rules governing administrative hearings.

19 (Source: P.A. 98-122, eff. 1-1-14.)

20 (410 ILCS 130/185)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 185. Final discipline ~~Suspension~~ ~~revocation~~ of a  
23 registration.

24 (a) The Department of Agriculture, the Department of

1 Financial and Professional Regulation, and the Department of  
2 Public Health may suspend or revoke a registration for  
3 violations of this Act and rules issued in accordance with this  
4 Section.

5 (b) The suspension, ~~or~~ revocation, reprimand, probation,  
6 refusal to renew, refusal to issue, or fine order of a  
7 registration is a final Department action, subject to judicial  
8 review. Jurisdiction and venue for judicial review are vested  
9 in the Circuit Court.

10 (Source: P.A. 98-122, eff. 1-1-14.)

11 Section 10. The Illinois Vehicle Code is amended by  
12 changing Sections 2-118.1, 6-118, 6-206.1, 6-208.1, 6-514,  
13 11-501.1, and 11-501.2 and by adding Sections 2-118.2 and  
14 11-501.9 as follows:

15 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

16 Sec. 2-118.1. Opportunity for hearing; statutory summary  
17 alcohol or other drug related suspension or revocation pursuant  
18 to Section 11-501.1.

19 (a) A statutory summary suspension or revocation of driving  
20 privileges under Section 11-501.1 shall not become effective  
21 until the person is notified in writing of the impending  
22 suspension or revocation and informed that he may request a  
23 hearing in the circuit court of venue under paragraph (b) of  
24 this Section and the statutory summary suspension or revocation

1 shall become effective as provided in Section 11-501.1.

2 (b) Within 90 days after the notice of statutory summary  
3 suspension or revocation served under Section 11-501.1, the  
4 person may make a written request for a judicial hearing in the  
5 circuit court of venue. The request to the circuit court shall  
6 state the grounds upon which the person seeks to have the  
7 statutory summary suspension or revocation rescinded. Within  
8 30 days after receipt of the written request or the first  
9 appearance date on the Uniform Traffic Ticket issued pursuant  
10 to a violation of Section 11-501, or a similar provision of a  
11 local ordinance, the hearing shall be conducted by the circuit  
12 court having jurisdiction. This judicial hearing, request, or  
13 process shall not stay or delay the statutory summary  
14 suspension or revocation. The hearings shall proceed in the  
15 court in the same manner as in other civil proceedings.

16 The hearing may be conducted upon a review of the law  
17 enforcement officer's own official reports; provided however,  
18 that the person may subpoena the officer. Failure of the  
19 officer to answer the subpoena shall be considered grounds for  
20 a continuance if in the court's discretion the continuance is  
21 appropriate.

22 The scope of the hearing shall be limited to the issues of:

23 1. Whether the person was placed under arrest for an  
24 offense as defined in Section 11-501, or a similar  
25 provision of a local ordinance, as evidenced by the  
26 issuance of a Uniform Traffic Ticket, or issued a Uniform

1 Traffic Ticket out of state as provided in subsection (a)  
2 ~~or (a-5)~~ of Section 11-501.1; and

3 2. Whether the officer had reasonable grounds to  
4 believe that the person was driving or in actual physical  
5 control of a motor vehicle upon a highway while under the  
6 influence of alcohol, other drug, or combination of both;  
7 and

8 3. Whether the person, after being advised by the  
9 officer that the privilege to operate a motor vehicle would  
10 be suspended or revoked if the person refused to submit to  
11 and complete the test or tests, did refuse to submit to or  
12 complete the test or tests to determine the person's  
13 alcohol or drug concentration ~~authorized under Section~~  
14 ~~11-501.1~~; or

15 4. Whether the person, after being advised by the  
16 officer that the privilege to operate a motor vehicle would  
17 be suspended if the person submits to a chemical test, or  
18 tests, and the test discloses an alcohol concentration of  
19 0.08 or more, or any amount of a drug, substance, or  
20 compound in the person's blood or urine resulting from the  
21 unlawful use or consumption of cannabis listed in the  
22 Cannabis Control Act, a controlled substance listed in the  
23 Illinois Controlled Substances Act, an intoxicating  
24 compound as listed in the Use of Intoxicating Compounds  
25 Act, or methamphetamine as listed in the Methamphetamine  
26 Control and Community Protection Act, and the person did

1 submit to and complete the test or tests that determined an  
2 alcohol concentration of 0.08 or more.

3 4.2. (Blank). ~~If the person is a qualifying patient~~  
4 ~~licensed under the Compassionate Use of Medical Cannabis~~  
5 ~~Pilot Program Act who is in possession of a valid registry~~  
6 ~~card issued under that Act, after being advised by the~~  
7 ~~officer that the privilege to operate a motor vehicle would~~  
8 ~~be suspended or revoked if the person refused to submit to~~  
9 ~~and complete the test or tests, did refuse to submit to or~~  
10 ~~complete the test or tests authorized under Section~~  
11 ~~11-501.1.~~

12 4.5. (Blank). ~~If the person is a qualifying patient~~  
13 ~~licensed under the Compassionate Use of Medical Cannabis~~  
14 ~~Pilot Program Act who is in possession of a valid registry~~  
15 ~~card issued under that Act, whether that person, after~~  
16 ~~being advised by the officer that the privilege to operate~~  
17 ~~a motor vehicle would be suspended if the person submits to~~  
18 ~~a standardized field sobriety test, or tests, and the test~~  
19 ~~indicates impairment resulting from the consumption of~~  
20 ~~cannabis, did submit to and complete the test or tests that~~  
21 ~~indicated impairment.~~

22 5. If the person's driving privileges were revoked,  
23 whether the person was involved in a motor vehicle accident  
24 that caused Type A injury or death to another.

25 Upon the conclusion of the judicial hearing, the circuit  
26 court shall sustain or rescind the statutory summary suspension

1 or revocation and immediately notify the Secretary of State.  
2 Reports received by the Secretary of State under this Section  
3 shall be privileged information and for use only by the courts,  
4 police officers, and Secretary of State.

5 (Source: P.A. 98-122, eff. 1-1-14.)

6 (625 ILCS 5/2-118.2 new)

7 Sec. 2-118.2. Opportunity for hearing; medical  
8 cannabis-related suspension under Section 11-501.9.

9 (a) A suspension of driving privileges under Section  
10 11-501.9 shall not become effective until the person is  
11 notified in writing of the impending suspension and informed  
12 that he or she may request a hearing in the circuit court of  
13 venue under subsection (b) of this Section and the suspension  
14 shall become effective as provided in Section 11-501.9.

15 (b) Within 90 days after the notice of suspension served  
16 under Section 11-501.9, the person may make a written request  
17 for a judicial hearing in the circuit court of venue. The  
18 request to the circuit court shall state the grounds upon which  
19 the person seeks to have the suspension rescinded. Within 30  
20 days after receipt of the written request or the first  
21 appearance date on the Uniform Traffic Ticket issued for a  
22 violation of Section 11-501, or a similar provision of a local  
23 ordinance, the hearing shall be conducted by the circuit court  
24 having jurisdiction. This judicial hearing, request, or  
25 process shall not stay or delay the suspension. The hearing

1 shall proceed in the court in the same manner as in civil  
2 proceedings.

3 The hearing may be conducted upon a review of the law  
4 enforcement officer's own official reports; provided however,  
5 that the person may subpoena the officer. Failure of the  
6 officer to answer the subpoena shall be considered grounds for  
7 a continuance if in the court's discretion the continuance is  
8 appropriate.

9 The scope of the hearing shall be limited to the issues of:

10 (1) whether the person was issued a registry  
11 identification card under the Compassionate Use of Medical  
12 Cannabis Pilot Program Act;

13 (2) whether the officer had reasonable suspicion to  
14 believe that the person was driving or in actual physical  
15 control of a motor vehicle upon a highway while impaired by  
16 the use of cannabis;

17 (3) whether the person refused to submit to or complete  
18 the standardized field sobriety tests; and

19 (4) whether the person submitted to standardized field  
20 sobriety tests that disclosed that the person was impaired  
21 by the use of cannabis.

22 Upon the conclusion of the judicial hearing, the circuit  
23 court shall sustain or rescind the suspension and immediately  
24 notify the Secretary of State.

1 (Text of Section before amendment by P.A. 98-176)

2 Sec. 6-118. Fees.

3 (a) The fee for licenses and permits under this Article is  
4 as follows:

5 Original driver's license ..... \$30

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds ..... 5

8 All driver's licenses for persons

9 age 69 through age 80 ..... 5

10 All driver's licenses for persons

11 age 81 through age 86 ..... 2

12 All driver's licenses for persons

13 age 87 or older ..... 0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older) ..... 30

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license ..... 20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal ..... 5

26 Any instruction permit issued to a person

1           age 69 and older ..... 5

2       Instruction permit issued to any person,

3           under age 69, not currently holding a

4           valid Illinois driver's license or

5           instruction permit but who has

6           previously been issued either document

7           in Illinois ..... 10

8       Restricted driving permit ..... 8

9       Monitoring device driving permit ..... 8

10      Duplicate or corrected driver's license

11           or permit ..... 5

12      Duplicate or corrected restricted

13           driving permit ..... 5

14      Duplicate or corrected monitoring

15           device driving permit ..... 5

16      Duplicate driver's license or permit issued to

17           an active-duty member of the

18           United States Armed Forces,

19           the member's spouse, or

20           the dependent children living

21           with the member ..... 0

22      Original or renewal M or L endorsement..... 5

23 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

24           The fees for commercial driver licenses and permits  
25           under Article V shall be as follows:

26           Commercial driver's license:

1           \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund  
 2           (Commercial Driver's License Information  
 3           System/American Association of Motor Vehicle  
 4           Administrators network/National Motor Vehicle  
 5           Title Information Service Trust Fund);  
 6           \$20 for the Motor Carrier Safety Inspection Fund;  
 7           \$10 for the driver's license;  
 8           and \$24 for the CDL: ..... \$60

9           Renewal commercial driver's license:

10           \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 11           \$20 for the Motor Carrier Safety Inspection Fund;  
 12           \$10 for the driver's license; and  
 13           \$24 for the CDL: ..... \$60

14           Commercial driver instruction permit

15           issued to any person holding a valid  
 16           Illinois driver's license for the  
 17           purpose of changing to a  
 18           CDL classification: \$6 for the  
 19           CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 20           \$20 for the Motor Carrier  
 21           Safety Inspection Fund; and  
 22           \$24 for the CDL classification ..... \$50

23           Commercial driver instruction permit

24           issued to any person holding a valid  
 25           Illinois CDL for the purpose of  
 26           making a change in a classification,

1	endorsement or restriction .....	\$5
2	CDL duplicate or corrected license .....	\$5

3 In order to ensure the proper implementation of the Uniform  
 4 Commercial Driver License Act, Article V of this Chapter, the  
 5 Secretary of State is empowered to pro-rate the \$24 fee for the  
 6 commercial driver's license proportionate to the expiration  
 7 date of the applicant's Illinois driver's license.

8 The fee for any duplicate license or permit shall be waived  
 9 for any person who presents the Secretary of State's office  
 10 with a police report showing that his license or permit was  
 11 stolen.

12 The fee for any duplicate license or permit shall be waived  
 13 for any person age 60 or older whose driver's license or permit  
 14 has been lost or stolen.

15 No additional fee shall be charged for a driver's license,  
 16 or for a commercial driver's license, when issued to the holder  
 17 of an instruction permit for the same classification or type of  
 18 license who becomes eligible for such license.

19 (b) Any person whose license or privilege to operate a  
 20 motor vehicle in this State has been suspended or revoked under  
 21 Section 3-707, any provision of Chapter 6, Chapter 11, or  
 22 Section 7-205, 7-303, or 7-702 of the Family Financial  
 23 Responsibility Law of this Code, shall in addition to any other  
 24 fees required by this Code, pay a reinstatement fee as follows:

25	Suspension under Section 3-707 .....	\$100
26	Summary suspension under Section 11-501.1 .....	\$250

1        Suspension under Section 11-501.9 ..... \$250

2        Summary revocation under Section 11-501.1 ..... \$500

3        Other suspension ..... \$70

4        Revocation ..... \$500

5        However, any person whose license or privilege to operate a

6        motor vehicle in this State has been suspended or revoked for a

7        second or subsequent time for a violation of Section 11-501, ~~or~~

8        11-501.1, or 11-501.9 of this Code or a similar provision of a

9        local ordinance or a similar out-of-state offense or Section

10       9-3 of the Criminal Code of 1961 or the Criminal Code of 2012

11       and each suspension or revocation was for a violation of

12       Section 11-501, ~~or~~ 11-501.1, or 11-501.9 of this Code or a

13       similar provision of a local ordinance or a similar

14       out-of-state offense or Section 9-3 of the Criminal Code of

15       1961 or the Criminal Code of 2012 shall pay, in addition to any

16       other fees required by this Code, a reinstatement fee as

17       follows:

18       Summary suspension under Section 11-501.1 ..... \$500

19       Suspension under Section 11-501.9 ..... \$500

20       Summary revocation under Section 11-501.1 ..... \$500

21       Revocation ..... \$500

22       (c) All fees collected under the provisions of this Chapter

23       6 shall be paid into the Road Fund in the State Treasury except

24       as follows:

- 25                1. The following amounts shall be paid into the Driver
- 26       Education Fund:

1 (A) \$16 of the \$20 fee for an original driver's  
2 instruction permit;

3 (B) \$5 of the \$30 fee for an original driver's  
4 license;

5 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
6 license;

7 (D) \$4 of the \$8 fee for a restricted driving  
8 permit; and

9 (E) \$4 of the \$8 fee for a monitoring device  
10 driving permit.

11 2. \$30 of the \$250 fee for reinstatement of a license  
12 summarily suspended under Section 11-501.1 or 11-501.9  
13 shall be deposited into the Drunk and Drugged Driving  
14 Prevention Fund. However, for a person whose license or  
15 privilege to operate a motor vehicle in this State has been  
16 suspended or revoked for a second or subsequent time for a  
17 violation of Section 11-501.1, ~~or~~ 11-501.1, or 11-501.9 of  
18 this Code or Section 9-3 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012, \$190 of the \$500 fee for  
20 reinstatement of a license summarily suspended under  
21 Section 11-501.1 or 11-501.9, and \$190 of the \$500 fee for  
22 reinstatement of a revoked license shall be deposited into  
23 the Drunk and Drugged Driving Prevention Fund. \$190 of the  
24 \$500 fee for reinstatement of a license summarily revoked  
25 pursuant to Section 11-501.1 shall be deposited into the  
26 Drunk and Drugged Driving Prevention Fund.

1           3. \$6 of such original or renewal fee for a commercial  
2 driver's license and \$6 of the commercial driver  
3 instruction permit fee when such permit is issued to any  
4 person holding a valid Illinois driver's license, shall be  
5 paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

6           4. \$30 of the \$70 fee for reinstatement of a license  
7 suspended under the Family Financial Responsibility Law  
8 shall be paid into the Family Responsibility Fund.

9           5. The \$5 fee for each original or renewal M or L  
10 endorsement shall be deposited into the Cycle Rider Safety  
11 Training Fund.

12           6. \$20 of any original or renewal fee for a commercial  
13 driver's license or commercial driver instruction permit  
14 shall be paid into the Motor Carrier Safety Inspection  
15 Fund.

16           7. The following amounts shall be paid into the General  
17 Revenue Fund:

18           (A) \$190 of the \$250 reinstatement fee for a  
19 summary suspension under Section 11-501.1 or 11-501.9;

20           (B) \$40 of the \$70 reinstatement fee for any other  
21 suspension provided in subsection (b) of this Section;  
22 and

23           (C) \$440 of the \$500 reinstatement fee for a first  
24 offense revocation and \$310 of the \$500 reinstatement  
25 fee for a second or subsequent revocation.

26           (d) All of the proceeds of the additional fees imposed by

1 this amendatory Act of the 96th General Assembly shall be  
2 deposited into the Capital Projects Fund.

3 (e) The additional fees imposed by this amendatory Act of  
4 the 96th General Assembly shall become effective 90 days after  
5 becoming law.

6 (f) As used in this Section, "active-duty member of the  
7 United States Armed Forces" means a member of the Armed  
8 Services or Reserve Forces of the United States or a member of  
9 the Illinois National Guard who is called to active duty  
10 pursuant to an executive order of the President of the United  
11 States, an act of the Congress of the United States, or an  
12 order of the Governor.

13 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
14 98-177, eff. 1-1-14.)

15 (Text of Section after amendment by P.A. 98-176)

16 Sec. 6-118. Fees.

17 (a) The fee for licenses and permits under this Article is  
18 as follows:

19	Original driver's license .....	\$30
20	Original or renewal driver's license	
21	issued to 18, 19 and 20 year olds .....	5
22	All driver's licenses for persons	
23	age 69 through age 80 .....	5
24	All driver's licenses for persons	
25	age 81 through age 86 .....	2

1 All driver's licenses for persons

2 age 87 or older ..... 0

3 Renewal driver's license (except for

4 applicants ages 18, 19 and 20 or

5 age 69 and older) ..... 30

6 Original instruction permit issued to

7 persons (except those age 69 and older)

8 who do not hold or have not previously

9 held an Illinois instruction permit or

10 driver's license ..... 20

11 Instruction permit issued to any person

12 holding an Illinois driver's license

13 who wishes a change in classifications,

14 other than at the time of renewal ..... 5

15 Any instruction permit issued to a person

16 age 69 and older ..... 5

17 Instruction permit issued to any person,

18 under age 69, not currently holding a

19 valid Illinois driver's license or

20 instruction permit but who has

21 previously been issued either document

22 in Illinois ..... 10

23 Restricted driving permit ..... 8

24 Monitoring device driving permit ..... 8

25 Duplicate or corrected driver's license

26 or permit ..... 5

1 Duplicate or corrected restricted  
2 driving permit ..... 5  
3 Duplicate or corrected monitoring  
4 device driving permit ..... 5  
5 Duplicate driver's license or permit issued to  
6 an active-duty member of the  
7 United States Armed Forces,  
8 the member's spouse, or  
9 the dependent children living  
10 with the member ..... 0  
11 Original or renewal M or L endorsement..... 5

12 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

13 The fees for commercial driver licenses and permits  
14 under Article V shall be as follows:

15 Commercial driver's license:

- 16 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 17 (Commercial Driver's License Information
- 18 System/American Association of Motor Vehicle
- 19 Administrators network/National Motor Vehicle
- 20 Title Information Service Trust Fund);
- 21 \$20 for the Motor Carrier Safety Inspection Fund;
- 22 \$10 for the driver's license;
- 23 and \$24 for the CDL: ..... \$60

24 Renewal commercial driver's license:

- 25 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
- 26 \$20 for the Motor Carrier Safety Inspection Fund;

1	\$10 for the driver's license; and	
2	\$24 for the CDL: .....	\$60
3	Commercial learner's permit	
4	issued to any person holding a valid	
5	Illinois driver's license for the	
6	purpose of changing to a	
7	CDL classification: \$6 for the	
8	CDLIS/AAMVAnet/NMVTIS Trust Fund;	
9	\$20 for the Motor Carrier	
10	Safety Inspection Fund; and	
11	\$24 for the CDL classification .....	\$50
12	Commercial learner's permit	
13	issued to any person holding a valid	
14	Illinois CDL for the purpose of	
15	making a change in a classification,	
16	endorsement or restriction .....	\$5
17	CDL duplicate or corrected license .....	\$5

18 In order to ensure the proper implementation of the Uniform  
19 Commercial Driver License Act, Article V of this Chapter, the  
20 Secretary of State is empowered to pro-rate the \$24 fee for the  
21 commercial driver's license proportionate to the expiration  
22 date of the applicant's Illinois driver's license.

23 The fee for any duplicate license or permit shall be waived  
24 for any person who presents the Secretary of State's office  
25 with a police report showing that his license or permit was  
26 stolen.

1 The fee for any duplicate license or permit shall be waived  
2 for any person age 60 or older whose driver's license or permit  
3 has been lost or stolen.

4 No additional fee shall be charged for a driver's license,  
5 or for a commercial driver's license, when issued to the holder  
6 of an instruction permit for the same classification or type of  
7 license who becomes eligible for such license.

8 (b) Any person whose license or privilege to operate a  
9 motor vehicle in this State has been suspended or revoked under  
10 Section 3-707, any provision of Chapter 6, Chapter 11, or  
11 Section 7-205, 7-303, or 7-702 of the Family Financial  
12 Responsibility Law of this Code, shall in addition to any other  
13 fees required by this Code, pay a reinstatement fee as follows:

14	Suspension under Section 3-707 .....	\$100
15	Summary suspension under Section 11-501.1 .....	\$250
16	<u>Suspension under Section 11-501.9 .....</u>	<u>\$250</u>
17	Summary revocation under Section 11-501.1 .....	\$500
18	Other suspension .....	\$70
19	Revocation .....	\$500

20 However, any person whose license or privilege to operate a  
21 motor vehicle in this State has been suspended or revoked for a  
22 second or subsequent time for a violation of Section 11-501, ~~or~~  
23 11-501.1, or 11-501.9 of this Code or a similar provision of a  
24 local ordinance or a similar out-of-state offense or Section  
25 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012  
26 and each suspension or revocation was for a violation of

1 Section 11-501, ~~or~~ 11-501.1, or 11-501.9 of this Code or a  
 2 similar provision of a local ordinance or a similar  
 3 out-of-state offense or Section 9-3 of the Criminal Code of  
 4 1961 or the Criminal Code of 2012 shall pay, in addition to any  
 5 other fees required by this Code, a reinstatement fee as  
 6 follows:

7	Summary suspension under Section 11-501.1 .....	\$500
8	<u>Suspension under Section 11-501.9 .....</u>	<u>\$500</u>
9	Summary revocation under Section 11-501.1 .....	\$500
10	Revocation .....	\$500

11 (c) All fees collected under the provisions of this Chapter  
 12 6 shall be paid into the Road Fund in the State Treasury except  
 13 as follows:

14 1. The following amounts shall be paid into the Driver  
 15 Education Fund:

16 (A) \$16 of the \$20 fee for an original driver's  
 17 instruction permit;

18 (B) \$5 of the \$30 fee for an original driver's  
 19 license;

20 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
 21 license;

22 (D) \$4 of the \$8 fee for a restricted driving  
 23 permit; and

24 (E) \$4 of the \$8 fee for a monitoring device  
 25 driving permit.

26 2. \$30 of the \$250 fee for reinstatement of a license

1 summarily suspended under Section 11-501.1 or 11-501.9  
2 shall be deposited into the Drunk and Drugged Driving  
3 Prevention Fund. However, for a person whose license or  
4 privilege to operate a motor vehicle in this State has been  
5 suspended or revoked for a second or subsequent time for a  
6 violation of Section 11-501.1, ~~or 11-501.1,~~ or 11-501.9 of  
7 this Code or Section 9-3 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, \$190 of the \$500 fee for  
9 reinstatement of a license summarily suspended under  
10 Section 11-501.1 or 11-501.9, and \$190 of the \$500 fee for  
11 reinstatement of a revoked license shall be deposited into  
12 the Drunk and Drugged Driving Prevention Fund. \$190 of the  
13 \$500 fee for reinstatement of a license summarily revoked  
14 pursuant to Section 11-501.1 shall be deposited into the  
15 Drunk and Drugged Driving Prevention Fund.

16 3. \$6 of the original or renewal fee for a commercial  
17 driver's license and \$6 of the commercial learner's permit  
18 fee when the permit is issued to any person holding a valid  
19 Illinois driver's license, shall be paid into the  
20 CDLIS/AAMVAnet/NMVTIS Trust Fund.

21 4. \$30 of the \$70 fee for reinstatement of a license  
22 suspended under the Family Financial Responsibility Law  
23 shall be paid into the Family Responsibility Fund.

24 5. The \$5 fee for each original or renewal M or L  
25 endorsement shall be deposited into the Cycle Rider Safety  
26 Training Fund.

1           6. \$20 of any original or renewal fee for a commercial  
2 driver's license or commercial learner's permit shall be  
3 paid into the Motor Carrier Safety Inspection Fund.

4           7. The following amounts shall be paid into the General  
5 Revenue Fund:

6           (A) \$190 of the \$250 reinstatement fee for a  
7 summary suspension under Section 11-501.1 or 11-501.9;

8           (B) \$40 of the \$70 reinstatement fee for any other  
9 suspension provided in subsection (b) of this Section;  
10 and

11           (C) \$440 of the \$500 reinstatement fee for a first  
12 offense revocation and \$310 of the \$500 reinstatement  
13 fee for a second or subsequent revocation.

14           (d) All of the proceeds of the additional fees imposed by  
15 this amendatory Act of the 96th General Assembly shall be  
16 deposited into the Capital Projects Fund.

17           (e) The additional fees imposed by this amendatory Act of  
18 the 96th General Assembly shall become effective 90 days after  
19 becoming law.

20           (f) As used in this Section, "active-duty member of the  
21 United States Armed Forces" means a member of the Armed  
22 Services or Reserve Forces of the United States or a member of  
23 the Illinois National Guard who is called to active duty  
24 pursuant to an executive order of the President of the United  
25 States, an act of the Congress of the United States, or an  
26 order of the Governor.

1 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
2 98-176, eff. 7-1-14; 98-177, eff. 1-1-14; revised 9-19-13.)

3 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

4 Sec. 6-206.1. Monitoring Device Driving Permit.  
5 Declaration of Policy. It is hereby declared a policy of the  
6 State of Illinois that the driver who is impaired by alcohol,  
7 other drug or drugs, or intoxicating compound or compounds is a  
8 threat to the public safety and welfare. Therefore, to provide  
9 a deterrent to such practice, a statutory summary driver's  
10 license suspension is appropriate. It is also recognized that  
11 driving is a privilege and therefore, that the granting of  
12 driving privileges, in a manner consistent with public safety,  
13 is warranted during the period of suspension in the form of a  
14 monitoring device driving permit. A person who drives and fails  
15 to comply with the requirements of the monitoring device  
16 driving permit commits a violation of Section 6-303 of this  
17 Code.

18 The following procedures shall apply whenever a first  
19 offender, as defined in Section 11-500 of this Code, is  
20 arrested for any offense as defined in Section 11-501 or a  
21 similar provision of a local ordinance and is subject to the  
22 provisions of Section 11-501.1:

23 (a) Upon mailing of the notice of suspension of driving  
24 privileges as provided in subsection (h) of Section 11-501.1 of  
25 this Code, the Secretary shall also send written notice

1 informing the person that he or she will be issued a monitoring  
2 device driving permit (MDDP). The notice shall include, at  
3 minimum, information summarizing the procedure to be followed  
4 for issuance of the MDDP, installation of the breath alcohol  
5 ignition installation device (BAIID), as provided in this  
6 Section, exemption from BAIID installation requirements, and  
7 procedures to be followed by those seeking indigent status, as  
8 provided in this Section. The notice shall also include  
9 information summarizing the procedure to be followed if the  
10 person wishes to decline issuance of the MDDP. A copy of the  
11 notice shall also be sent to the court of venue together with  
12 the notice of suspension of driving privileges, as provided in  
13 subsection (h) of Section 11-501. However, a MDDP shall not be  
14 issued if the Secretary finds that:

15 (1) The offender's driver's license is otherwise  
16 invalid;

17 (2) Death or great bodily harm resulted from the arrest  
18 for Section 11-501;

19 (3) The offender has been previously convicted of  
20 reckless homicide or aggravated driving under the  
21 influence involving death;

22 (4) The offender is less than 18 years of age; or

23 (5) The offender is a qualifying patient licensed under  
24 the Compassionate Use of Medical Cannabis Pilot Program Act  
25 who is in possession of a valid registry card issued under  
26 that Act and refused to submit to standardized field

1           sobriety tests as required by subsection (a) ~~(a-5)~~ of  
2           Section 11-501.9 ~~11-501.1~~ or did submit to testing and  
3           failed the test or tests.

4           Any offender participating in the MDDP program must pay the  
5           Secretary a MDDP Administration Fee in an amount not to exceed  
6           \$30 per month, to be deposited into the Monitoring Device  
7           Driving Permit Administration Fee Fund. The Secretary shall  
8           establish by rule the amount and the procedures, terms, and  
9           conditions relating to these fees. The offender must have an  
10          ignition interlock device installed within 14 days of the date  
11          the Secretary issues the MDDP. The ignition interlock device  
12          provider must notify the Secretary, in a manner and form  
13          prescribed by the Secretary, of the installation. If the  
14          Secretary does not receive notice of installation, the  
15          Secretary shall cancel the MDDP.

16          A MDDP shall not become effective prior to the 31st day of  
17          the original statutory summary suspension.

18          Upon receipt of the notice, as provided in paragraph (a) of  
19          this Section, the person may file a petition to decline  
20          issuance of the MDDP with the court of venue. The court shall  
21          admonish the offender of all consequences of declining issuance  
22          of the MDDP including, but not limited to, the enhanced  
23          penalties for driving while suspended. After being so  
24          admonished, the offender shall be permitted, in writing, to  
25          execute a notice declining issuance of the MDDP. This notice  
26          shall be filed with the court and forwarded by the clerk of the

1 court to the Secretary. The offender may, at any time  
2 thereafter, apply to the Secretary for issuance of a MDDP.

3 (a-1) A person issued a MDDP may drive for any purpose and  
4 at any time, subject to the rules adopted by the Secretary  
5 under subsection (g). The person must, at his or her own  
6 expense, drive only vehicles equipped with an ignition  
7 interlock device as defined in Section 1-129.1, but in no event  
8 shall such person drive a commercial motor vehicle.

9 (a-2) Persons who are issued a MDDP and must drive  
10 employer-owned vehicles in the course of their employment  
11 duties may seek permission to drive an employer-owned vehicle  
12 that does not have an ignition interlock device. The employer  
13 shall provide to the Secretary a form, as prescribed by the  
14 Secretary, completed by the employer verifying that the  
15 employee must drive an employer-owned vehicle in the course of  
16 employment. If approved by the Secretary, the form must be in  
17 the driver's possession while operating an employer-owner  
18 vehicle not equipped with an ignition interlock device. No  
19 person may use this exemption to drive a school bus, school  
20 vehicle, or a vehicle designed to transport more than 15  
21 passengers. No person may use this exemption to drive an  
22 employer-owned motor vehicle that is owned by an entity that is  
23 wholly or partially owned by the person holding the MDDP, or by  
24 a family member of the person holding the MDDP. No person may  
25 use this exemption to drive an employer-owned vehicle that is  
26 made available to the employee for personal use. No person may

1 drive the exempted vehicle more than 12 hours per day, 6 days  
2 per week.

3 (a-3) Persons who are issued a MDDP and who must drive a  
4 farm tractor to and from a farm, within 50 air miles from the  
5 originating farm are exempt from installation of a BAIID on the  
6 farm tractor, so long as the farm tractor is being used for the  
7 exclusive purpose of conducting farm operations.

8 (b) (Blank).

9 (c) (Blank).

10 (c-1) If the holder of the MDDP is convicted of or receives  
11 court supervision for a violation of Section 6-206.2, 6-303,  
12 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
13 provision of a local ordinance or a similar out-of-state  
14 offense or is convicted of or receives court supervision for  
15 any offense for which alcohol or drugs is an element of the  
16 offense and in which a motor vehicle was involved (for an  
17 arrest other than the one for which the MDDP is issued), or  
18 de-installs the BAIID without prior authorization from the  
19 Secretary, the MDDP shall be cancelled.

20 (c-5) If the Secretary determines that the person seeking  
21 the MDDP is indigent, the Secretary shall provide the person  
22 with a written document as evidence of that determination, and  
23 the person shall provide that written document to an ignition  
24 interlock device provider. The provider shall install an  
25 ignition interlock device on that person's vehicle without  
26 charge to the person, and seek reimbursement from the Indigent

1 BAIID Fund. If the Secretary has deemed an offender indigent,  
2 the BAIID provider shall also provide the normal monthly  
3 monitoring services and the de-installation without charge to  
4 the offender and seek reimbursement from the Indigent BAIID  
5 Fund. Any other monetary charges, such as a lockout fee or  
6 reset fee, shall be the responsibility of the MDDP holder. A  
7 BAIID provider may not seek a security deposit from the  
8 Indigent BAIID Fund.

9 (d) MDDP information shall be available only to the courts,  
10 police officers, and the Secretary, except during the actual  
11 period the MDDP is valid, during which time it shall be a  
12 public record.

13 (e) (Blank).

14 (f) (Blank).

15 (g) The Secretary shall adopt rules for implementing this  
16 Section. The rules adopted shall address issues including, but  
17 not limited to: compliance with the requirements of the MDDP;  
18 methods for determining compliance with those requirements;  
19 the consequences of noncompliance with those requirements;  
20 what constitutes a violation of the MDDP; methods for  
21 determining indigency; and the duties of a person or entity  
22 that supplies the ignition interlock device.

23 (h) The rules adopted under subsection (g) shall provide,  
24 at a minimum, that the person is not in compliance with the  
25 requirements of the MDDP if he or she:

26 (1) tampers or attempts to tamper with or circumvent

1 the proper operation of the ignition interlock device;

2 (2) provides valid breath samples that register blood  
3 alcohol levels in excess of the number of times allowed  
4 under the rules;

5 (3) fails to provide evidence sufficient to satisfy the  
6 Secretary that the ignition interlock device has been  
7 installed in the designated vehicle or vehicles; or

8 (4) fails to follow any other applicable rules adopted  
9 by the Secretary.

10 (i) Any person or entity that supplies an ignition  
11 interlock device as provided under this Section shall, in  
12 addition to supplying only those devices which fully comply  
13 with all the rules adopted under subsection (g), provide the  
14 Secretary, within 7 days of inspection, all monitoring reports  
15 of each person who has had an ignition interlock device  
16 installed. These reports shall be furnished in a manner or form  
17 as prescribed by the Secretary.

18 (j) Upon making a determination that a violation of the  
19 requirements of the MDDP has occurred, the Secretary shall  
20 extend the summary suspension period for an additional 3 months  
21 beyond the originally imposed summary suspension period,  
22 during which time the person shall only be allowed to drive  
23 vehicles equipped with an ignition interlock device; provided  
24 further there are no limitations on the total number of times  
25 the summary suspension may be extended. The Secretary may,  
26 however, limit the number of extensions imposed for violations

1 occurring during any one monitoring period, as set forth by  
2 rule. Any person whose summary suspension is extended pursuant  
3 to this Section shall have the right to contest the extension  
4 through a hearing with the Secretary, pursuant to Section 2-118  
5 of this Code. If the summary suspension has already terminated  
6 prior to the Secretary receiving the monitoring report that  
7 shows a violation, the Secretary shall be authorized to suspend  
8 the person's driving privileges for 3 months, provided that the  
9 Secretary may, by rule, limit the number of suspensions to be  
10 entered pursuant to this paragraph for violations occurring  
11 during any one monitoring period. Any person whose license is  
12 suspended pursuant to this paragraph, after the summary  
13 suspension had already terminated, shall have the right to  
14 contest the suspension through a hearing with the Secretary,  
15 pursuant to Section 2-118 of this Code. The only permit the  
16 person shall be eligible for during this new suspension period  
17 is a MDDP.

18 (k) A person who has had his or her summary suspension  
19 extended for the third time, or has any combination of 3  
20 extensions and new suspensions, entered as a result of a  
21 violation that occurred while holding the MDDP, so long as the  
22 extensions and new suspensions relate to the same summary  
23 suspension, shall have his or her vehicle impounded for a  
24 period of 30 days, at the person's own expense. A person who  
25 has his or her summary suspension extended for the fourth time,  
26 or has any combination of 4 extensions and new suspensions,

1 entered as a result of a violation that occurred while holding  
2 the MDDP, so long as the extensions and new suspensions relate  
3 to the same summary suspension, shall have his or her vehicle  
4 subject to seizure and forfeiture. The Secretary shall notify  
5 the prosecuting authority of any third or fourth extensions or  
6 new suspension entered as a result of a violation that occurred  
7 while the person held a MDDP. Upon receipt of the notification,  
8 the prosecuting authority shall impound or forfeit the vehicle.  
9 The impoundment or forfeiture of a vehicle shall be conducted  
10 pursuant to the procedure specified in Article 36 of the  
11 Criminal Code of 2012.

12 (1) A person whose driving privileges have been suspended  
13 under Section 11-501.1 of this Code and who had a MDDP that was  
14 cancelled, or would have been cancelled had notification of a  
15 violation been received prior to expiration of the MDDP,  
16 pursuant to subsection (c-1) of this Section, shall not be  
17 eligible for reinstatement when the summary suspension is  
18 scheduled to terminate. Instead, the person's driving  
19 privileges shall be suspended for a period of not less than  
20 twice the original summary suspension period, or for the length  
21 of any extensions entered under subsection (j), whichever is  
22 longer. During the period of suspension, the person shall be  
23 eligible only to apply for a restricted driving permit. If a  
24 restricted driving permit is granted, the offender may only  
25 operate vehicles equipped with a BAIID in accordance with this  
26 Section.

1           (m) Any person or entity that supplies an ignition  
2 interlock device under this Section shall, for each ignition  
3 interlock device installed, pay 5% of the total gross revenue  
4 received for the device, including monthly monitoring fees,  
5 into the Indigent BAIID Fund. This 5% shall be clearly  
6 indicated as a separate surcharge on each invoice that is  
7 issued. The Secretary shall conduct an annual review of the  
8 fund to determine whether the surcharge is sufficient to  
9 provide for indigent users. The Secretary may increase or  
10 decrease this surcharge requirement as needed.

11           (n) Any person or entity that supplies an ignition  
12 interlock device under this Section that is requested to  
13 provide an ignition interlock device to a person who presents  
14 written documentation of indigency from the Secretary, as  
15 provided in subsection (c-5) of this Section, shall install the  
16 device on the person's vehicle without charge to the person and  
17 shall seek reimbursement from the Indigent BAIID Fund.

18           (o) The Indigent BAIID Fund is created as a special fund in  
19 the State treasury. The Secretary shall, subject to  
20 appropriation by the General Assembly, use all money in the  
21 Indigent BAIID Fund to reimburse ignition interlock device  
22 providers who have installed devices in vehicles of indigent  
23 persons. The Secretary shall make payments to such providers  
24 every 3 months. If the amount of money in the fund at the time  
25 payments are made is not sufficient to pay all requests for  
26 reimbursement submitted during that 3 month period, the

1 Secretary shall make payments on a pro-rata basis, and those  
2 payments shall be considered payment in full for the requests  
3 submitted.

4 (p) The Monitoring Device Driving Permit Administration  
5 Fee Fund is created as a special fund in the State treasury.  
6 The Secretary shall, subject to appropriation by the General  
7 Assembly, use the money paid into this fund to offset its  
8 administrative costs for administering MDDPs.

9 (q) The Secretary is authorized to prescribe such forms as  
10 it deems necessary to carry out the provisions of this Section.  
11 (Source: P.A. 97-229; 97-813, eff. 7-13-12; 97-1150, eff.  
12 1-25-13; 98-122, eff. 1-1-14.)

13 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

14 (Text of Section from P.A. 96-1526 and 98-122)

15 Sec. 6-208.1. Period of statutory summary alcohol, other  
16 drug, or intoxicating compound related suspension.

17 (a) Unless the statutory summary suspension has been  
18 rescinded, any person whose privilege to drive a motor vehicle  
19 on the public highways has been summarily suspended, pursuant  
20 to Section 11-501.1, shall not be eligible for restoration of  
21 the privilege until the expiration of:

22 1. Twelve months from the effective date of the  
23 statutory summary suspension for a refusal or failure to  
24 complete a test or tests to determine the alcohol, drug, or  
25 intoxicating compound concentration ~~authorized~~ under

1 Section 11-501.1; or

2 2. Six months from the effective date of the statutory  
3 summary suspension imposed following the person's  
4 submission to a chemical test which disclosed an alcohol  
5 concentration of 0.08 or more, or any amount of a drug,  
6 substance, or intoxicating compound in such person's  
7 breath, blood, or urine resulting from the unlawful use or  
8 consumption of cannabis listed in the Cannabis Control Act,  
9 a controlled substance listed in the Illinois Controlled  
10 Substances Act, an intoxicating compound listed in the Use  
11 of Intoxicating Compounds Act, or methamphetamine as  
12 listed in the Methamphetamine Control and Community  
13 Protection Act, pursuant to Section 11-501.1; or

14 3. Three years from the effective date of the statutory  
15 summary suspension for any person other than a first  
16 offender who refuses or fails to complete a test or tests  
17 to determine the alcohol, drug, or intoxicating compound  
18 concentration pursuant to Section 11-501.1; or

19 4. One year from the effective date of the summary  
20 suspension imposed for any person other than a first  
21 offender following submission to a chemical test which  
22 disclosed an alcohol concentration of 0.08 or more pursuant  
23 to Section 11-501.1 or any amount of a drug, substance or  
24 compound in such person's blood or urine resulting from the  
25 unlawful use or consumption of cannabis listed in the  
26 Cannabis Control Act, a controlled substance listed in the

1 Illinois Controlled Substances Act, an intoxicating  
2 compound listed in the Use of Intoxicating Compounds Act,  
3 or methamphetamine as listed in the Methamphetamine  
4 Control and Community Protection Act. ~~or~~

5 5. (Blank). ~~Six months from the effective date of the~~  
6 ~~statutory summary suspension imposed for any person~~  
7 ~~following submission to a standardized field sobriety test~~  
8 ~~that disclosed impairment if the person is a qualifying~~  
9 ~~patient licensed under the Compassionate Use of Medical~~  
10 ~~Cannabis Pilot Program Act who is in possession of a valid~~  
11 ~~registry card issued under that Act and submitted to~~  
12 ~~testing under subsection (a-5) of Section 11-501.1.~~

13 (b) Following a statutory summary suspension of the  
14 privilege to drive a motor vehicle under Section 11-501.1,  
15 driving privileges shall be restored unless the person is  
16 otherwise suspended, revoked, or cancelled by this Code. If the  
17 court has reason to believe that the person's driving privilege  
18 should not be restored, the court shall notify the Secretary of  
19 State prior to the expiration of the statutory summary  
20 suspension so appropriate action may be taken pursuant to this  
21 Code.

22 (c) Driving privileges may not be restored until all  
23 applicable reinstatement fees, as provided by this Code, have  
24 been paid to the Secretary of State and the appropriate entry  
25 made to the driver's record.

26 (d) Where a driving privilege has been summarily suspended

1 under Section 11-501.1 and the person is subsequently convicted  
2 of violating Section 11-501, or a similar provision of a local  
3 ordinance, for the same incident, any period served on  
4 statutory summary suspension shall be credited toward the  
5 minimum period of revocation of driving privileges imposed  
6 pursuant to Section 6-205.

7 (e) (Blank).

8 (f) (Blank).

9 (g) Following a statutory summary suspension of driving  
10 privileges pursuant to Section 11-501.1 where the person was  
11 not a first offender, as defined in Section 11-500, the  
12 Secretary of State may not issue a restricted driving permit.

13 (h) (Blank).

14 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,  
15 eff. 8-21-08; 96-1526, eff. 2-14-11; 98-122, eff. 1-1-14.)

16 (Text of Section from P.A. 96-1344, 97-229, and 98-122)

17 Sec. 6-208.1. Period of statutory summary alcohol, other  
18 drug, or intoxicating compound related suspension or  
19 revocation.

20 (a) Unless the statutory summary suspension has been  
21 rescinded, any person whose privilege to drive a motor vehicle  
22 on the public highways has been summarily suspended, pursuant  
23 to Section 11-501.1, shall not be eligible for restoration of  
24 the privilege until the expiration of:

25 1. Twelve months from the effective date of the

1 statutory summary suspension for a refusal or failure to  
2 complete a test or tests to determine the alcohol, drug, or  
3 intoxicating compound concentration ~~authorized~~ under  
4 Section 11-501.1, if the person was not involved in a motor  
5 vehicle crash that caused personal injury or death to  
6 another; or

7 2. Six months from the effective date of the statutory  
8 summary suspension imposed following the person's  
9 submission to a chemical test which disclosed an alcohol  
10 concentration of 0.08 or more, or any amount of a drug,  
11 substance, or intoxicating compound in such person's  
12 breath, blood, or urine resulting from the unlawful use or  
13 consumption of cannabis listed in the Cannabis Control Act,  
14 a controlled substance listed in the Illinois Controlled  
15 Substances Act, an intoxicating compound listed in the Use  
16 of Intoxicating Compounds Act, or methamphetamine as  
17 listed in the Methamphetamine Control and Community  
18 Protection Act, pursuant to Section 11-501.1; or

19 3. Three years from the effective date of the statutory  
20 summary suspension for any person other than a first  
21 offender who refuses or fails to complete a test or tests  
22 to determine the alcohol, drug, or intoxicating compound  
23 concentration pursuant to Section 11-501.1; or

24 4. One year from the effective date of the summary  
25 suspension imposed for any person other than a first  
26 offender following submission to a chemical test which

1 disclosed an alcohol concentration of 0.08 or more pursuant  
2 to Section 11-501.1 or any amount of a drug, substance or  
3 compound in such person's blood or urine resulting from the  
4 unlawful use or consumption of cannabis listed in the  
5 Cannabis Control Act, a controlled substance listed in the  
6 Illinois Controlled Substances Act, an intoxicating  
7 compound listed in the Use of Intoxicating Compounds Act,  
8 or methamphetamine as listed in the Methamphetamine  
9 Control and Community Protection Act. ~~or~~

10 5. (Blank). ~~Six months from the effective date of the~~  
11 ~~statutory summary suspension imposed for any person~~  
12 ~~following submission to a standardized field sobriety test~~  
13 ~~that disclosed impairment if the person is a qualifying~~  
14 ~~patient licensed under the Compassionate Use of Medical~~  
15 ~~Cannabis Pilot Program Act who is in possession of a valid~~  
16 ~~registry card issued under that Act and submitted to~~  
17 ~~testing under subsection (a 5) of Section 11-501.1.~~

18 (a-1) Unless the statutory summary revocation has been  
19 rescinded, any person whose privilege to drive has been  
20 summarily revoked pursuant to Section 11-501.1 may not make  
21 application for a license or permit until the expiration of one  
22 year from the effective date of the summary revocation.

23 (b) Following a statutory summary suspension of the  
24 privilege to drive a motor vehicle under Section 11-501.1,  
25 driving privileges shall be restored unless the person is  
26 otherwise suspended, revoked, or cancelled by this Code. If the

1 court has reason to believe that the person's driving privilege  
2 should not be restored, the court shall notify the Secretary of  
3 State prior to the expiration of the statutory summary  
4 suspension so appropriate action may be taken pursuant to this  
5 Code.

6 (c) Driving privileges may not be restored until all  
7 applicable reinstatement fees, as provided by this Code, have  
8 been paid to the Secretary of State and the appropriate entry  
9 made to the driver's record.

10 (d) Where a driving privilege has been summarily suspended  
11 or revoked under Section 11-501.1 and the person is  
12 subsequently convicted of violating Section 11-501, or a  
13 similar provision of a local ordinance, for the same incident,  
14 any period served on statutory summary suspension or revocation  
15 shall be credited toward the minimum period of revocation of  
16 driving privileges imposed pursuant to Section 6-205.

17 (e) Following a statutory summary suspension of driving  
18 privileges pursuant to Section 11-501.1, for a first offender,  
19 the circuit court shall, unless the offender has opted in  
20 writing not to have a monitoring device driving permit issued,  
21 order the Secretary of State to issue a monitoring device  
22 driving permit as provided in Section 6-206.1. A monitoring  
23 device driving permit shall not be effective prior to the 31st  
24 day of the statutory summary suspension. A first offender who  
25 refused chemical testing and whose driving privileges were  
26 summarily revoked pursuant to Section 11-501.1 shall not be

1 eligible for a monitoring device driving permit, but may make  
2 application for reinstatement or for a restricted driving  
3 permit after a period of one year has elapsed from the  
4 effective date of the revocation.

5 (f) (Blank).

6 (g) Following a statutory summary suspension of driving  
7 privileges pursuant to Section 11-501.1 where the person was  
8 not a first offender, as defined in Section 11-500, the  
9 Secretary of State may not issue a restricted driving permit.

10 (h) (Blank).

11 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11;  
12 98-122, eff. 1-1-14.)

13 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

14 (Text of Section before amendment by P.A. 98-176)

15 Sec. 6-514. Commercial Driver's License (CDL) -  
16 Disqualifications.

17 (a) A person shall be disqualified from driving a  
18 commercial motor vehicle for a period of not less than 12  
19 months for the first violation of:

20 (1) Refusing to submit to or failure to complete a test  
21 or tests authorized under Section 11-501.1 while driving a  
22 commercial motor vehicle or, if the driver is a CDL holder,  
23 while driving a non-CMV; or

24 (2) Operating a commercial motor vehicle while the  
25 alcohol concentration of the person's blood, breath or

1 urine is at least 0.04, or any amount of a drug, substance,  
2 or compound in the person's blood or urine resulting from  
3 the unlawful use or consumption of cannabis listed in the  
4 Cannabis Control Act, a controlled substance listed in the  
5 Illinois Controlled Substances Act, or methamphetamine as  
6 listed in the Methamphetamine Control and Community  
7 Protection Act as indicated by a police officer's sworn  
8 report or other verified evidence; or operating a  
9 non-commercial motor vehicle while the alcohol  
10 concentration of the person's blood, breath, or urine was  
11 above the legal limit defined in Section 11-501.1 or  
12 11-501.8 or any amount of a drug, substance, or compound in  
13 the person's blood or urine resulting from the unlawful use  
14 or consumption of cannabis listed in the Cannabis Control  
15 Act, a controlled substance listed in the Illinois  
16 Controlled Substances Act, or methamphetamine as listed in  
17 the Methamphetamine Control and Community Protection Act  
18 as indicated by a police officer's sworn report or other  
19 verified evidence while holding a commercial driver's  
20 license; or

21 (3) Conviction for a first violation of:

22 (i) Driving a commercial motor vehicle or, if the  
23 driver is a CDL holder, driving a non-CMV while under  
24 the influence of alcohol, or any other drug, or  
25 combination of drugs to a degree which renders such  
26 person incapable of safely driving; or

1           (ii) Knowingly leaving the scene of an accident  
2 while operating a commercial motor vehicle or, if the  
3 driver is a CDL holder, while driving a non-CMV; or

4           (iii) Driving a commercial motor vehicle or, if the  
5 driver is a CDL holder, driving a non-CMV while  
6 committing any felony; or

7           (iv) Driving a commercial motor vehicle while the  
8 person's driving privileges or driver's license or  
9 permit is revoked, suspended, or cancelled or the  
10 driver is disqualified from operating a commercial  
11 motor vehicle; or

12           (v) Causing a fatality through the negligent  
13 operation of a commercial motor vehicle, including but  
14 not limited to the crimes of motor vehicle  
15 manslaughter, homicide by a motor vehicle, and  
16 negligent homicide.

17           As used in this subdivision (a)(3)(v), "motor  
18 vehicle manslaughter" means the offense of involuntary  
19 manslaughter if committed by means of a vehicle;  
20 "homicide by a motor vehicle" means the offense of  
21 first degree murder or second degree murder, if either  
22 offense is committed by means of a vehicle; and  
23 "negligent homicide" means reckless homicide under  
24 Section 9-3 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 and aggravated driving under the  
26 influence of alcohol, other drug or drugs,

1           intoxicating compound or compounds, or any combination  
2           thereof under subdivision (d)(1)(F) of Section 11-501  
3           of this Code.

4           If any of the above violations or refusals occurred  
5           while transporting hazardous material(s) required to be  
6           placarded, the person shall be disqualified for a period of  
7           not less than 3 years ; or

8           (4) If the person is a qualifying patient licensed  
9           under the Compassionate Use of Medical Cannabis Pilot  
10          Program Act who is in possession of a valid registry card  
11          issued under that Act, operating a commercial motor vehicle  
12          under impairment resulting from the consumption of  
13          cannabis, as determined by failure of standardized field  
14          sobriety tests administered by a law enforcement officer as  
15          directed by subsection (a-5) of Section 11-501.2.

16          (b) A person is disqualified for life for a second  
17          conviction of any of the offenses specified in paragraph (a),  
18          or any combination of those offenses, arising from 2 or more  
19          separate incidents.

20          (c) A person is disqualified from driving a commercial  
21          motor vehicle for life if the person either (i) uses a  
22          commercial motor vehicle in the commission of any felony  
23          involving the manufacture, distribution, or dispensing of a  
24          controlled substance, or possession with intent to  
25          manufacture, distribute or dispense a controlled substance or  
26          (ii) if the person is a CDL holder, uses a non-CMV in the

1 commission of a felony involving any of those activities.

2 (d) The Secretary of State may, when the United States  
3 Secretary of Transportation so authorizes, issue regulations  
4 in which a disqualification for life under paragraph (b) may be  
5 reduced to a period of not less than 10 years. If a reinstated  
6 driver is subsequently convicted of another disqualifying  
7 offense, as specified in subsection (a) of this Section, he or  
8 she shall be permanently disqualified for life and shall be  
9 ineligible to again apply for a reduction of the lifetime  
10 disqualification.

11 (e) A person is disqualified from driving a commercial  
12 motor vehicle for a period of not less than 2 months if  
13 convicted of 2 serious traffic violations, committed in a  
14 commercial motor vehicle, non-CMV while holding a CDL, or any  
15 combination thereof, arising from separate incidents,  
16 occurring within a 3 year period, provided the serious traffic  
17 violation committed in a non-CMV would result in the suspension  
18 or revocation of the CDL holder's non-CMV privileges. However,  
19 a person will be disqualified from driving a commercial motor  
20 vehicle for a period of not less than 4 months if convicted of  
21 3 serious traffic violations, committed in a commercial motor  
22 vehicle, non-CMV while holding a CDL, or any combination  
23 thereof, arising from separate incidents, occurring within a 3  
24 year period, provided the serious traffic violation committed  
25 in a non-CMV would result in the suspension or revocation of  
26 the CDL holder's non-CMV privileges. If all the convictions

1 occurred in a non-CMV, the disqualification shall be entered  
2 only if the convictions would result in the suspension or  
3 revocation of the CDL holder's non-CMV privileges.

4 (e-1) (Blank).

5 (f) Notwithstanding any other provision of this Code, any  
6 driver disqualified from operating a commercial motor vehicle,  
7 pursuant to this UCDLA, shall not be eligible for restoration  
8 of commercial driving privileges during any such period of  
9 disqualification.

10 (g) After suspending, revoking, or cancelling a commercial  
11 driver's license, the Secretary of State must update the  
12 driver's records to reflect such action within 10 days. After  
13 suspending or revoking the driving privilege of any person who  
14 has been issued a CDL or commercial driver instruction permit  
15 from another jurisdiction, the Secretary shall originate  
16 notification to such issuing jurisdiction within 10 days.

17 (h) The "disqualifications" referred to in this Section  
18 shall not be imposed upon any commercial motor vehicle driver,  
19 by the Secretary of State, unless the prohibited action(s)  
20 occurred after March 31, 1992.

21 (i) A person is disqualified from driving a commercial  
22 motor vehicle in accordance with the following:

23 (1) For 6 months upon a first conviction of paragraph  
24 (2) of subsection (b) or subsection (b-3) of Section 6-507  
25 of this Code.

26 (2) For 2 years upon a second conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) or any  
2 combination of paragraphs (2) or (3) of subsection (b) or  
3 subsections (b-3) or (b-5) of Section 6-507 of this Code  
4 within a 10-year period if the second conviction is a  
5 violation of paragraph (2) of subsection (b) or subsection  
6 (b-3).

7 (3) For 3 years upon a third or subsequent conviction  
8 of paragraph (2) of subsection (b) or subsection (b-3) or  
9 any combination of paragraphs (2) or (3) of subsection (b)  
10 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
11 within a 10-year period if the third or subsequent  
12 conviction is a violation of paragraph (2) of subsection  
13 (b) or subsection (b-3).

14 (4) For one year upon a first conviction of paragraph  
15 (3) of subsection (b) or subsection (b-5) of Section 6-507  
16 of this Code.

17 (5) For 3 years upon a second conviction of paragraph  
18 (3) of subsection (b) or subsection (b-5) or any  
19 combination of paragraphs (2) or (3) of subsection (b) or  
20 subsections (b-3) or (b-5) of Section 6-507 of this Code  
21 within a 10-year period if the second conviction is a  
22 violation of paragraph (3) of subsection (b) or (b-5).

23 (6) For 5 years upon a third or subsequent conviction  
24 of paragraph (3) of subsection (b) or subsection (b-5) or  
25 any combination of paragraphs (2) or (3) of subsection (b)  
26 or subsections (b-3) or (b-5) of Section 6-507 of this Code

1           within a 10-year period if the third or subsequent  
2           conviction is a violation of paragraph (3) of subsection  
3           (b) or (b-5).

4           (j) Disqualification for railroad-highway grade crossing  
5           violation.

6           (1) General rule. A driver who is convicted of a  
7           violation of a federal, State, or local law or regulation  
8           pertaining to one of the following 6 offenses at a  
9           railroad-highway grade crossing must be disqualified from  
10          operating a commercial motor vehicle for the period of time  
11          specified in paragraph (2) of this subsection (j) if the  
12          offense was committed while operating a commercial motor  
13          vehicle:

14           (i) For drivers who are not required to always  
15          stop, failing to slow down and check that the tracks  
16          are clear of an approaching train or railroad track  
17          equipment, as described in subsection (a-5) of Section  
18          11-1201 of this Code;

19           (ii) For drivers who are not required to always  
20          stop, failing to stop before reaching the crossing, if  
21          the tracks are not clear, as described in subsection  
22          (a) of Section 11-1201 of this Code;

23           (iii) For drivers who are always required to stop,  
24          failing to stop before driving onto the crossing, as  
25          described in Section 11-1202 of this Code;

26           (iv) For all drivers, failing to have sufficient

1 space to drive completely through the crossing without  
2 stopping, as described in subsection (b) of Section  
3 11-1425 of this Code;

4 (v) For all drivers, failing to obey a traffic  
5 control device or the directions of an enforcement  
6 official at the crossing, as described in subdivision  
7 (a)2 of Section 11-1201 of this Code;

8 (vi) For all drivers, failing to negotiate a  
9 crossing because of insufficient undercarriage  
10 clearance, as described in subsection (d-1) of Section  
11 11-1201 of this Code.

12 (2) Duration of disqualification for railroad-highway  
13 grade crossing violation.

14 (i) First violation. A driver must be disqualified  
15 from operating a commercial motor vehicle for not less  
16 than 60 days if the driver is convicted of a violation  
17 described in paragraph (1) of this subsection (j) and,  
18 in the three-year period preceding the conviction, the  
19 driver had no convictions for a violation described in  
20 paragraph (1) of this subsection (j).

21 (ii) Second violation. A driver must be  
22 disqualified from operating a commercial motor vehicle  
23 for not less than 120 days if the driver is convicted  
24 of a violation described in paragraph (1) of this  
25 subsection (j) and, in the three-year period preceding  
26 the conviction, the driver had one other conviction for

1 a violation described in paragraph (1) of this  
2 subsection (j) that was committed in a separate  
3 incident.

4 (iii) Third or subsequent violation. A driver must  
5 be disqualified from operating a commercial motor  
6 vehicle for not less than one year if the driver is  
7 convicted of a violation described in paragraph (1) of  
8 this subsection (j) and, in the three-year period  
9 preceding the conviction, the driver had 2 or more  
10 other convictions for violations described in  
11 paragraph (1) of this subsection (j) that were  
12 committed in separate incidents.

13 (k) Upon notification of a disqualification of a driver's  
14 commercial motor vehicle privileges imposed by the U.S.  
15 Department of Transportation, Federal Motor Carrier Safety  
16 Administration, in accordance with 49 C.F.R. 383.52, the  
17 Secretary of State shall immediately record to the driving  
18 record the notice of disqualification and confirm to the driver  
19 the action that has been taken.

20 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
21 98-122, eff. 1-1-14.)

22 (Text of Section after amendment by P.A. 98-176)

23 Sec. 6-514. Commercial driver's license (CDL); commercial  
24 learner's permit (CLP); disqualifications. ~~Commercial Driver's~~  
25 ~~License (CDL) — Disqualifications.~~

1 (a) A person shall be disqualified from driving a  
2 commercial motor vehicle for a period of not less than 12  
3 months for the first violation of:

4 (1) Refusing to submit to or failure to complete a test  
5 or tests to determine the driver's blood concentration of  
6 alcohol, other drug, or both, ~~authorized under Section~~  
7 ~~11-501.1~~ while driving a commercial motor vehicle or, if  
8 the driver is a CLP or CDL holder, while driving a non-CMV;  
9 or

10 (2) Operating a commercial motor vehicle while the  
11 alcohol concentration of the person's blood, breath or  
12 urine is at least 0.04, or any amount of a drug, substance,  
13 or compound in the person's blood or urine resulting from  
14 the unlawful use or consumption of cannabis listed in the  
15 Cannabis Control Act, a controlled substance listed in the  
16 Illinois Controlled Substances Act, or methamphetamine as  
17 listed in the Methamphetamine Control and Community  
18 Protection Act as indicated by a police officer's sworn  
19 report or other verified evidence; or operating a  
20 non-commercial motor vehicle while the alcohol  
21 concentration of the person's blood, breath, or urine was  
22 above the legal limit defined in Section 11-501.1 or  
23 11-501.8 or any amount of a drug, substance, or compound in  
24 the person's blood or urine resulting from the unlawful use  
25 or consumption of cannabis listed in the Cannabis Control  
26 Act, a controlled substance listed in the Illinois

1           Controlled Substances Act, or methamphetamine as listed in  
2           the Methamphetamine Control and Community Protection Act  
3           as indicated by a police officer's sworn report or other  
4           verified evidence while holding a CLP or CDL; or

5           (3) Conviction for a first violation of:

6           (i) Driving a commercial motor vehicle or, if the  
7           driver is a CLP or CDL holder, driving a non-CMV while  
8           under the influence of alcohol, or any other drug, or  
9           combination of drugs to a degree which renders such  
10          person incapable of safely driving; or

11          (ii) Knowingly leaving the scene of an accident  
12          while operating a commercial motor vehicle or, if the  
13          driver is a CLP or CDL holder, while driving a non-CMV;  
14          or

15          (iii) Driving a commercial motor vehicle or, if the  
16          driver is a CLP or CDL holder, driving a non-CMV while  
17          committing any felony; or

18          (iv) Driving a commercial motor vehicle while the  
19          person's driving privileges or driver's license or  
20          permit is revoked, suspended, or cancelled or the  
21          driver is disqualified from operating a commercial  
22          motor vehicle; or

23          (v) Causing a fatality through the negligent  
24          operation of a commercial motor vehicle, including but  
25          not limited to the crimes of motor vehicle  
26          manslaughter, homicide by a motor vehicle, and

1 negligent homicide.

2 As used in this subdivision (a)(3)(v), "motor  
3 vehicle manslaughter" means the offense of involuntary  
4 manslaughter if committed by means of a vehicle;  
5 "homicide by a motor vehicle" means the offense of  
6 first degree murder or second degree murder, if either  
7 offense is committed by means of a vehicle; and  
8 "negligent homicide" means reckless homicide under  
9 Section 9-3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012 and aggravated driving under the  
11 influence of alcohol, other drug or drugs,  
12 intoxicating compound or compounds, or any combination  
13 thereof under subdivision (d)(1)(F) of Section 11-501  
14 of this Code.

15 If any of the above violations or refusals occurred  
16 while transporting hazardous material(s) required to be  
17 placarded, the person shall be disqualified for a period of  
18 not less than 3 years. ~~or~~

19 (4) (Blank). ~~If the person is a qualifying patient~~  
20 ~~licensed under the Compassionate Use of Medical Cannabis~~  
21 ~~Pilot Program Act who is in possession of a valid registry~~  
22 ~~card issued under that Act, operating a commercial motor~~  
23 ~~vehicle under impairment resulting from the consumption of~~  
24 ~~cannabis, as determined by failure of standardized field~~  
25 ~~sobriety tests administered by a law enforcement officer as~~  
26 ~~directed by subsection (a 5) of Section 11-501.2.~~

1           (b) A person is disqualified for life for a second  
2 conviction of any of the offenses specified in paragraph (a),  
3 or any combination of those offenses, arising from 2 or more  
4 separate incidents.

5           (c) A person is disqualified from driving a commercial  
6 motor vehicle for life if the person either (i) uses a  
7 commercial motor vehicle in the commission of any felony  
8 involving the manufacture, distribution, or dispensing of a  
9 controlled substance, or possession with intent to  
10 manufacture, distribute or dispense a controlled substance or  
11 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the  
12 commission of a felony involving any of those activities.

13           (d) The Secretary of State may, when the United States  
14 Secretary of Transportation so authorizes, issue regulations  
15 in which a disqualification for life under paragraph (b) may be  
16 reduced to a period of not less than 10 years. If a reinstated  
17 driver is subsequently convicted of another disqualifying  
18 offense, as specified in subsection (a) of this Section, he or  
19 she shall be permanently disqualified for life and shall be  
20 ineligible to again apply for a reduction of the lifetime  
21 disqualification.

22           (e) A person is disqualified from driving a commercial  
23 motor vehicle for a period of not less than 2 months if  
24 convicted of 2 serious traffic violations, committed in a  
25 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
26 or any combination thereof, arising from separate incidents,

1 occurring within a 3 year period, provided the serious traffic  
2 violation committed in a non-CMV would result in the suspension  
3 or revocation of the CLP or CDL holder's non-CMV privileges.  
4 However, a person will be disqualified from driving a  
5 commercial motor vehicle for a period of not less than 4 months  
6 if convicted of 3 serious traffic violations, committed in a  
7 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
8 or any combination thereof, arising from separate incidents,  
9 occurring within a 3 year period, provided the serious traffic  
10 violation committed in a non-CMV would result in the suspension  
11 or revocation of the CLP or CDL holder's non-CMV privileges. If  
12 all the convictions occurred in a non-CMV, the disqualification  
13 shall be entered only if the convictions would result in the  
14 suspension or revocation of the CLP or CDL holder's non-CMV  
15 privileges.

16 (e-1) (Blank).

17 (f) Notwithstanding any other provision of this Code, any  
18 driver disqualified from operating a commercial motor vehicle,  
19 pursuant to this UCCLA, shall not be eligible for restoration  
20 of commercial driving privileges during any such period of  
21 disqualification.

22 (g) After suspending, revoking, or cancelling a CLP or CDL,  
23 the Secretary of State must update the driver's records to  
24 reflect such action within 10 days. After suspending or  
25 revoking the driving privilege of any person who has been  
26 issued a CLP or CDL from another jurisdiction, the Secretary

1 shall originate notification to such issuing jurisdiction  
2 within 10 days.

3 (h) The "disqualifications" referred to in this Section  
4 shall not be imposed upon any commercial motor vehicle driver,  
5 by the Secretary of State, unless the prohibited action(s)  
6 occurred after March 31, 1992.

7 (i) A person is disqualified from driving a commercial  
8 motor vehicle in accordance with the following:

9 (1) For 6 months upon a first conviction of paragraph  
10 (2) of subsection (b) or subsection (b-3) of Section 6-507  
11 of this Code.

12 (2) For 2 years upon a second conviction of paragraph  
13 (2) of subsection (b) or subsection (b-3) or any  
14 combination of paragraphs (2) or (3) of subsection (b) or  
15 subsections (b-3) or (b-5) of Section 6-507 of this Code  
16 within a 10-year period if the second conviction is a  
17 violation of paragraph (2) of subsection (b) or subsection  
18 (b-3).

19 (3) For 3 years upon a third or subsequent conviction  
20 of paragraph (2) of subsection (b) or subsection (b-3) or  
21 any combination of paragraphs (2) or (3) of subsection (b)  
22 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
23 within a 10-year period if the third or subsequent  
24 conviction is a violation of paragraph (2) of subsection  
25 (b) or subsection (b-3).

26 (4) For one year upon a first conviction of paragraph

1 (3) of subsection (b) or subsection (b-5) of Section 6-507  
2 of this Code.

3 (5) For 3 years upon a second conviction of paragraph  
4 (3) of subsection (b) or subsection (b-5) or any  
5 combination of paragraphs (2) or (3) of subsection (b) or  
6 subsections (b-3) or (b-5) of Section 6-507 of this Code  
7 within a 10-year period if the second conviction is a  
8 violation of paragraph (3) of subsection (b) or (b-5).

9 (6) For 5 years upon a third or subsequent conviction  
10 of paragraph (3) of subsection (b) or subsection (b-5) or  
11 any combination of paragraphs (2) or (3) of subsection (b)  
12 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
13 within a 10-year period if the third or subsequent  
14 conviction is a violation of paragraph (3) of subsection  
15 (b) or (b-5).

16 (j) Disqualification for railroad-highway grade crossing  
17 violation.

18 (1) General rule. A driver who is convicted of a  
19 violation of a federal, State, or local law or regulation  
20 pertaining to one of the following 6 offenses at a  
21 railroad-highway grade crossing must be disqualified from  
22 operating a commercial motor vehicle for the period of time  
23 specified in paragraph (2) of this subsection (j) if the  
24 offense was committed while operating a commercial motor  
25 vehicle:

26 (i) For drivers who are not required to always

1 stop, failing to slow down and check that the tracks  
2 are clear of an approaching train or railroad track  
3 equipment, as described in subsection (a-5) of Section  
4 11-1201 of this Code;

5 (ii) For drivers who are not required to always  
6 stop, failing to stop before reaching the crossing, if  
7 the tracks are not clear, as described in subsection  
8 (a) of Section 11-1201 of this Code;

9 (iii) For drivers who are always required to stop,  
10 failing to stop before driving onto the crossing, as  
11 described in Section 11-1202 of this Code;

12 (iv) For all drivers, failing to have sufficient  
13 space to drive completely through the crossing without  
14 stopping, as described in subsection (b) of Section  
15 11-1425 of this Code;

16 (v) For all drivers, failing to obey a traffic  
17 control device or the directions of an enforcement  
18 official at the crossing, as described in subdivision  
19 (a)2 of Section 11-1201 of this Code;

20 (vi) For all drivers, failing to negotiate a  
21 crossing because of insufficient undercarriage  
22 clearance, as described in subsection (d-1) of Section  
23 11-1201 of this Code.

24 (2) Duration of disqualification for railroad-highway  
25 grade crossing violation.

26 (i) First violation. A driver must be disqualified

1 from operating a commercial motor vehicle for not less  
2 than 60 days if the driver is convicted of a violation  
3 described in paragraph (1) of this subsection (j) and,  
4 in the three-year period preceding the conviction, the  
5 driver had no convictions for a violation described in  
6 paragraph (1) of this subsection (j).

7 (ii) Second violation. A driver must be  
8 disqualified from operating a commercial motor vehicle  
9 for not less than 120 days if the driver is convicted  
10 of a violation described in paragraph (1) of this  
11 subsection (j) and, in the three-year period preceding  
12 the conviction, the driver had one other conviction for  
13 a violation described in paragraph (1) of this  
14 subsection (j) that was committed in a separate  
15 incident.

16 (iii) Third or subsequent violation. A driver must  
17 be disqualified from operating a commercial motor  
18 vehicle for not less than one year if the driver is  
19 convicted of a violation described in paragraph (1) of  
20 this subsection (j) and, in the three-year period  
21 preceding the conviction, the driver had 2 or more  
22 other convictions for violations described in  
23 paragraph (1) of this subsection (j) that were  
24 committed in separate incidents.

25 (k) Upon notification of a disqualification of a driver's  
26 commercial motor vehicle privileges imposed by the U.S.

1 Department of Transportation, Federal Motor Carrier Safety  
2 Administration, in accordance with 49 C.F.R. 383.52, the  
3 Secretary of State shall immediately record to the driving  
4 record the notice of disqualification and confirm to the driver  
5 the action that has been taken.

6 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
7 98-122, eff. 1-1-14; 98-176, eff. 7-1-14; revised 8-8-13.)

8 (625 ILCS 5/11-501.1)

9 Sec. 11-501.1. Suspension of drivers license; statutory  
10 summary alcohol, other drug or drugs, or intoxicating compound  
11 or compounds related suspension or revocation; implied  
12 consent.

13 (a) Any person who drives or is in actual physical control  
14 of a motor vehicle upon the public highways of this State shall  
15 be deemed to have given consent, subject to the provisions of  
16 Section 11-501.2, to a chemical test or tests of blood, breath,  
17 or urine for the purpose of determining the content of alcohol,  
18 other drug or drugs, or intoxicating compound or compounds or  
19 any combination thereof in the person's blood if arrested, as  
20 evidenced by the issuance of a Uniform Traffic Ticket, for any  
21 offense as defined in Section 11-501 or a similar provision of  
22 a local ordinance, or if arrested for violating Section 11-401.  
23 If a law enforcement officer has probable cause to believe the  
24 person was under the influence of alcohol, other drug or drugs,  
25 intoxicating compound or compounds, or any combination

1       thereof, the law enforcement officer shall request a chemical  
2       test or tests which shall be administered at the direction of  
3       the arresting officer. The law enforcement agency employing the  
4       officer shall designate which of the aforesaid tests shall be  
5       administered. A urine test may be administered even after a  
6       blood or breath test or both has been administered. For  
7       purposes of this Section, an Illinois law enforcement officer  
8       of this State who is investigating the person for any offense  
9       defined in Section 11-501 may travel into an adjoining state,  
10      where the person has been transported for medical care, to  
11      complete an investigation and to request that the person submit  
12      to the test or tests set forth in this Section. The  
13      requirements of this Section that the person be arrested are  
14      inapplicable, but the officer shall issue the person a Uniform  
15      Traffic Ticket for an offense as defined in Section 11-501 or a  
16      similar provision of a local ordinance prior to requesting that  
17      the person submit to the test or tests. The issuance of the  
18      Uniform Traffic Ticket shall not constitute an arrest, but  
19      shall be for the purpose of notifying the person that he or she  
20      is subject to the provisions of this Section and of the  
21      officer's belief of the existence of probable cause to arrest.  
22      Upon returning to this State, the officer shall file the  
23      Uniform Traffic Ticket with the Circuit Clerk of the county  
24      where the offense was committed, and shall seek the issuance of  
25      an arrest warrant or a summons for the person.

26           (a-5) (Blank). ~~In addition to the requirements and~~

1 ~~provisions of subsection (a), any person issued a registry card~~  
2 ~~under the Compassionate Use of Medical Cannabis Pilot Program~~  
3 ~~Act who drives or is in actual physical control of a motor~~  
4 ~~vehicle upon the public highways of this State shall be deemed~~  
5 ~~to have given consent, subject to the provisions of Section~~  
6 ~~11-501.2, to standardized field sobriety tests approved by the~~  
7 ~~National Highway Traffic Safety Administration if arrested, as~~  
8 ~~evidenced by the issuance of a Uniform Traffic Ticket, for any~~  
9 ~~offense as defined in Section 11-501 or a similar provision of~~  
10 ~~a local ordinance, or if arrested for violating Section 11-401.~~  
11 ~~The person's status as a registry card holder alone is not a~~  
12 ~~sufficient basis for conducting these tests. The officer must~~  
13 ~~have an independent, cannabis-related factual basis giving~~  
14 ~~reasonable suspicion that the person is driving under the~~  
15 ~~influence of cannabis for conducting standardized field~~  
16 ~~sobriety tests. This independent basis of suspicion shall be~~  
17 ~~listed on the standardized field sobriety test results and any~~  
18 ~~influence reports made by the arresting officer.~~

19 (b) Any person who is dead, unconscious, or who is  
20 otherwise in a condition rendering the person incapable of  
21 refusal, shall be deemed not to have withdrawn the consent  
22 provided by paragraph (a) of this Section and the test or tests  
23 may be administered, subject to the provisions of Section  
24 11-501.2.

25 (c) A person requested to submit to a test as provided  
26 above shall be warned by the law enforcement officer requesting

1 the test that a refusal to submit to the test will result in  
2 the statutory summary suspension of the person's privilege to  
3 operate a motor vehicle, as provided in Section 6-208.1 of this  
4 Code, and will also result in the disqualification of the  
5 person's privilege to operate a commercial motor vehicle, as  
6 provided in Section 6-514 of this Code, if the person is a CDL  
7 holder. The person shall also be warned that a refusal to  
8 submit to the test, when the person was involved in a motor  
9 vehicle accident that caused personal injury or death to  
10 another, will result in the statutory summary revocation of the  
11 person's privilege to operate a motor vehicle, as provided in  
12 Section 6-208.1, and will also result in the disqualification  
13 of the person's privilege to operate a commercial motor  
14 vehicle, as provided in Section 6-514 of this Code, if the  
15 person is a CDL holder. The person shall also be warned by the  
16 law enforcement officer that if the person submits to the test  
17 or tests provided in paragraph (a) of this Section and the  
18 alcohol concentration in the person's blood or breath is 0.08  
19 or greater, or any amount of a drug, substance, or compound  
20 resulting from the unlawful use or consumption of cannabis as  
21 covered by the Cannabis Control Act, a controlled substance  
22 listed in the Illinois Controlled Substances Act, an  
23 intoxicating compound listed in the Use of Intoxicating  
24 Compounds Act, or methamphetamine as listed in the  
25 Methamphetamine Control and Community Protection Act is  
26 detected in the person's blood or urine, ~~or if the person fails~~

1 ~~the standardized field sobriety tests as required by paragraph~~  
2 ~~(a-5),~~ a statutory summary suspension of the person's privilege  
3 to operate a motor vehicle, as provided in Sections 6-208.1 and  
4 11-501.1 of this Code, and a disqualification of the person's  
5 privilege to operate a commercial motor vehicle, as provided in  
6 Section 6-514 of this Code, if the person is a CDL holder, will  
7 be imposed.

8 A person who is under the age of 21 at the time the person  
9 is requested to submit to a test as provided above shall, in  
10 addition to the warnings provided for in this Section, be  
11 further warned by the law enforcement officer requesting the  
12 test that if the person submits to the test or tests provided  
13 in paragraph (a) ~~or (a-5)~~ of this Section and the alcohol  
14 concentration in the person's blood or breath is greater than  
15 0.00 and less than 0.08, a suspension of the person's privilege  
16 to operate a motor vehicle, as provided under Sections 6-208.2  
17 and 11-501.8 of this Code, will be imposed. The results of this  
18 test shall be admissible in a civil or criminal action or  
19 proceeding arising from an arrest for an offense as defined in  
20 Section 11-501 of this Code or a similar provision of a local  
21 ordinance or pursuant to Section 11-501.4 in prosecutions for  
22 reckless homicide brought under the Criminal Code of 1961 or  
23 the Criminal Code of 2012. These test results, however, shall  
24 be admissible only in actions or proceedings directly related  
25 to the incident upon which the test request was made.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of 0.08 or more, or any  
2 amount of a drug, substance, or intoxicating compound in the  
3 person's breath, blood, or urine resulting from the unlawful  
4 use or consumption of cannabis listed in the Cannabis Control  
5 Act, a controlled substance listed in the Illinois Controlled  
6 Substances Act, an intoxicating compound listed in the Use of  
7 Intoxicating Compounds Act, or methamphetamine as listed in the  
8 Methamphetamine Control and Community Protection Act, the law  
9 enforcement officer shall immediately submit a sworn report to  
10 the circuit court of venue and the Secretary of State,  
11 certifying that the test or tests was or were requested under  
12 paragraph (a) ~~or (a-5)~~ and the person refused to submit to a  
13 test, or tests, or submitted to testing that disclosed an  
14 alcohol concentration of 0.08 or more. ~~A sworn report~~  
15 ~~indicating refusal or failure of testing under paragraph (a-5)~~  
16 ~~of this Section shall include the factual basis of the~~  
17 ~~arresting officer's reasonable suspicion that the person was~~  
18 ~~under the influence of cannabis. The person's possession of a~~  
19 ~~valid registry card under the Compassionate Use of Medical~~  
20 ~~Cannabis Pilot Program Act alone is not sufficient basis for~~  
21 ~~reasonable suspicion.~~

22 (e) Upon receipt of the sworn report of a law enforcement  
23 officer submitted under paragraph (d), the Secretary of State  
24 shall enter the statutory summary suspension or revocation and  
25 disqualification for the periods specified in Sections 6-208.1  
26 and 6-514, respectively, and effective as provided in paragraph

1 (g).

2 If the person is a first offender as defined in Section  
3 11-500 of this Code, and is not convicted of a violation of  
4 Section 11-501 of this Code or a similar provision of a local  
5 ordinance, then reports received by the Secretary of State  
6 under this Section shall, except during the actual time the  
7 Statutory Summary Suspension is in effect, be privileged  
8 information and for use only by the courts, police officers,  
9 prosecuting authorities or the Secretary of State, unless the  
10 person is a CDL holder, is operating a commercial motor vehicle  
11 or vehicle required to be placarded for hazardous materials, in  
12 which case the suspension shall not be privileged. Reports  
13 received by the Secretary of State under this Section shall  
14 also be made available to the parent or guardian of a person  
15 under the age of 18 years that holds an instruction permit or a  
16 graduated driver's license, regardless of whether the  
17 statutory summary suspension is in effect. A statutory summary  
18 revocation shall not be privileged information.

19 (f) The law enforcement officer submitting the sworn report  
20 under paragraph (d) shall serve immediate notice of the  
21 statutory summary suspension or revocation on the person and  
22 the suspension or revocation and disqualification shall be  
23 effective as provided in paragraph (g).

24 (1) In cases where the blood alcohol concentration of  
25 0.08 or greater or any amount of a drug, substance, or  
26 compound resulting from the unlawful use or consumption of

1       cannabis as covered by the Cannabis Control Act, a  
2       controlled substance listed in the Illinois Controlled  
3       Substances Act, an intoxicating compound listed in the Use  
4       of Intoxicating Compounds Act, or methamphetamine as  
5       listed in the Methamphetamine Control and Community  
6       Protection Act is established by a subsequent analysis of  
7       blood or urine collected at the time of arrest, the  
8       arresting officer or arresting agency shall give notice as  
9       provided in this Section or by deposit in the United States  
10      mail of the notice in an envelope with postage prepaid and  
11      addressed to the person at his address as shown on the  
12      Uniform Traffic Ticket and the statutory summary  
13      suspension and disqualification shall begin as provided in  
14      paragraph (g). The officer shall confiscate any Illinois  
15      driver's license or permit on the person at the time of  
16      arrest. If the person has a valid driver's license or  
17      permit, the officer shall issue the person a receipt, in a  
18      form prescribed by the Secretary of State, that will allow  
19      that person to drive during the periods provided for in  
20      paragraph (g). The officer shall immediately forward the  
21      driver's license or permit to the circuit court of venue  
22      along with the sworn report provided for in paragraph (d).

23           (2) (Blank). ~~In cases indicating refusal or failure of~~  
24      ~~testing under paragraph (a-5) of this Section the arresting~~  
25      ~~officer or arresting agency shall give notice as provided~~  
26      ~~in this Section or by deposit in the United States mail of~~

1 ~~the notice in an envelope with postage prepaid and~~  
2 ~~addressed to the person at his or her address as shown on~~  
3 ~~the Uniform Traffic Ticket and the statutory summary~~  
4 ~~suspension and disqualification shall begin as provided in~~  
5 ~~paragraph (g). This notice shall include the factual basis~~  
6 ~~of the arresting officer's reasonable suspicion that the~~  
7 ~~person was under the influence of cannabis. The person's~~  
8 ~~possession of a valid registry card under the Compassionate~~  
9 ~~Use of Medical Cannabis Pilot Program Act alone is not~~  
10 ~~sufficient basis for reasonable suspicion.~~

11 (g) The statutory summary suspension or revocation and  
12 disqualification referred to in this Section shall take effect  
13 on the 46th day following the date the notice of the statutory  
14 summary suspension or revocation was given to the person.

15 (h) The following procedure shall apply whenever a person  
16 is arrested for any offense as defined in Section 11-501 or a  
17 similar provision of a local ordinance:

18 Upon receipt of the sworn report from the law enforcement  
19 officer, the Secretary of State shall confirm the statutory  
20 summary suspension or revocation by mailing a notice of the  
21 effective date of the suspension or revocation to the person  
22 and the court of venue. The Secretary of State shall also mail  
23 notice of the effective date of the disqualification to the  
24 person. However, should the sworn report be defective by not  
25 containing sufficient information or be completed in error, the  
26 confirmation of the statutory summary suspension or revocation

1 shall not be mailed to the person or entered to the record;  
2 instead, the sworn report shall be forwarded to the court of  
3 venue with a copy returned to the issuing agency identifying  
4 any defect.

5 (i) As used in this Section, "personal injury" includes any  
6 Type A injury as indicated on the traffic accident report  
7 completed by a law enforcement officer that requires immediate  
8 professional attention in either a doctor's office or a medical  
9 facility. A Type A injury includes severely bleeding wounds,  
10 distorted extremities, and injuries that require the injured  
11 party to be carried from the scene.

12 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;  
13 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14.)

14 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

15 Sec. 11-501.2. Chemical and other tests.

16 (a) Upon the trial of any civil or criminal action or  
17 proceeding arising out of an arrest for an offense as defined  
18 in Section 11-501 or a similar local ordinance or proceedings  
19 pursuant to Section 2-118.1, evidence of the concentration of  
20 alcohol, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof in a person's blood or  
22 breath at the time alleged, as determined by analysis of the  
23 person's blood, urine, breath or other bodily substance, shall  
24 be admissible. Where such test is made the following provisions  
25 shall apply:

1           1. Chemical analyses of the person's blood, urine,  
2           breath or other bodily substance to be considered valid  
3           under the provisions of this Section shall have been  
4           performed according to standards promulgated by the  
5           Department of State Police by a licensed physician,  
6           registered nurse, trained phlebotomist, certified  
7           paramedic, or other individual possessing a valid permit  
8           issued by that Department for this purpose. The Director of  
9           State Police is authorized to approve satisfactory  
10          techniques or methods, to ascertain the qualifications and  
11          competence of individuals to conduct such analyses, to  
12          issue permits which shall be subject to termination or  
13          revocation at the discretion of that Department and to  
14          certify the accuracy of breath testing equipment. The  
15          Department of State Police shall prescribe regulations as  
16          necessary to implement this Section.

17          2. When a person in this State shall submit to a blood  
18          test at the request of a law enforcement officer under the  
19          provisions of Section 11-501.1, only a physician  
20          authorized to practice medicine, a licensed physician  
21          assistant, a licensed advanced practice nurse, a  
22          registered nurse, trained phlebotomist, or certified  
23          paramedic, or other qualified person approved by the  
24          Department of State Police may withdraw blood for the  
25          purpose of determining the alcohol, drug, or alcohol and  
26          drug content therein. This limitation shall not apply to

1 the taking of breath or urine specimens.

2 When a blood test of a person who has been taken to an  
3 adjoining state for medical treatment is requested by an  
4 Illinois law enforcement officer, the blood may be  
5 withdrawn only by a physician authorized to practice  
6 medicine in the adjoining state, a licensed physician  
7 assistant, a licensed advanced practice nurse, a  
8 registered nurse, a trained phlebotomist acting under the  
9 direction of the physician, or certified paramedic. The law  
10 enforcement officer requesting the test shall take custody  
11 of the blood sample, and the blood sample shall be analyzed  
12 by a laboratory certified by the Department of State Police  
13 for that purpose.

14 3. The person tested may have a physician, or a  
15 qualified technician, chemist, registered nurse, or other  
16 qualified person of their own choosing administer a  
17 chemical test or tests in addition to any administered at  
18 the direction of a law enforcement officer. The failure or  
19 inability to obtain an additional test by a person shall  
20 not preclude the admission of evidence relating to the test  
21 or tests taken at the direction of a law enforcement  
22 officer.

23 4. Upon the request of the person who shall submit to a  
24 chemical test or tests at the request of a law enforcement  
25 officer, full information concerning the test or tests  
26 shall be made available to the person or such person's

1 attorney.

2 5. Alcohol concentration shall mean either grams of  
3 alcohol per 100 milliliters of blood or grams of alcohol  
4 per 210 liters of breath.

5 (a-5) Law enforcement officials may use standardized field  
6 sobriety tests approved by the National Highway Traffic Safety  
7 Administration when conducting investigations of a violation  
8 of Section 11-501 or similar local ordinance by drivers  
9 suspected of driving under the influence of cannabis. The  
10 General Assembly finds that standardized field sobriety tests  
11 approved by the National Highway Traffic Safety Administration  
12 are divided attention tasks that are intended to determine if a  
13 person is under the influence of cannabis. The purpose of these  
14 tests is to determine the effect of the use of cannabis on a  
15 person's capacity to think and act with ordinary care and  
16 therefore operate a motor vehicle safely. Therefore, the  
17 results of these standardized field sobriety tests,  
18 appropriately administered, shall be admissible in the trial of  
19 any civil or criminal action or proceeding arising out of an  
20 arrest for a cannabis-related offense as defined in Section  
21 11-501 or a similar local ordinance or proceedings under  
22 Section 2-118.1 or 2-118.2. Where a test is made the following  
23 provisions shall apply:

24 1. The person tested may have a physician, or a  
25 qualified technician, chemist, registered nurse, or other  
26 qualified person of their own choosing administer a

1 chemical test or tests in addition to the standardized  
2 field sobriety test or tests administered at the direction  
3 of a law enforcement officer. The failure or inability to  
4 obtain an additional test by a person does not preclude the  
5 admission of evidence relating to the test or tests taken  
6 at the direction of a law enforcement officer.

7 2. Upon the request of the person who shall submit to a  
8 standardized field sobriety test or tests at the request of  
9 a law enforcement officer, full information concerning the  
10 test or tests shall be made available to the person or the  
11 person's attorney.

12 3. At the trial of any civil or criminal action or  
13 proceeding arising out of an arrest for an offense as  
14 defined in Section 11-501 or a similar local ordinance or  
15 proceedings under Section 2-118.1 or 2-118.2 in which the  
16 results of these standardized field sobriety tests are  
17 admitted, the cardholder may present and the trier of fact  
18 may consider evidence that the cardholder lacked the  
19 physical capacity to perform the standardized field  
20 sobriety tests.

21 (b) Upon the trial of any civil or criminal action or  
22 proceeding arising out of acts alleged to have been committed  
23 by any person while driving or in actual physical control of a  
24 vehicle while under the influence of alcohol, the concentration  
25 of alcohol in the person's blood or breath at the time alleged  
26 as shown by analysis of the person's blood, urine, breath, or

1 other bodily substance shall give rise to the following  
2 presumptions:

3 1. If there was at that time an alcohol concentration  
4 of 0.05 or less, it shall be presumed that the person was  
5 not under the influence of alcohol.

6 2. If there was at that time an alcohol concentration  
7 in excess of 0.05 but less than 0.08, such facts shall not  
8 give rise to any presumption that the person was or was not  
9 under the influence of alcohol, but such fact may be  
10 considered with other competent evidence in determining  
11 whether the person was under the influence of alcohol.

12 3. If there was at that time an alcohol concentration  
13 of 0.08 or more, it shall be presumed that the person was  
14 under the influence of alcohol.

15 4. The foregoing provisions of this Section shall not  
16 be construed as limiting the introduction of any other  
17 relevant evidence bearing upon the question whether the  
18 person was under the influence of alcohol.

19 (c) 1. If a person under arrest refuses to submit to a  
20 chemical test under the provisions of Section 11-501.1,  
21 evidence of refusal shall be admissible in any civil or  
22 criminal action or proceeding arising out of acts alleged to  
23 have been committed while the person under the influence of  
24 alcohol, other drug or drugs, or intoxicating compound or  
25 compounds, or any combination thereof was driving or in actual  
26 physical control of a motor vehicle.

1           2. Notwithstanding any ability to refuse under this Code to  
2 submit to these tests or any ability to revoke the implied  
3 consent to these tests, if a law enforcement officer has  
4 probable cause to believe that a motor vehicle driven by or in  
5 actual physical control of a person under the influence of  
6 alcohol, other drug or drugs, or intoxicating compound or  
7 compounds, or any combination thereof has caused the death or  
8 personal injury to another, the law enforcement officer shall  
9 request, and that person shall submit, upon the request of a  
10 law enforcement officer, to a chemical test or tests of his or  
11 her blood, breath or urine for the purpose of determining the  
12 alcohol content thereof or the presence of any other drug or  
13 combination of both.

14           This provision does not affect the applicability of or  
15 imposition of driver's license sanctions under Section  
16 11-501.1 of this Code.

17           3. For purposes of this Section, a personal injury includes  
18 any Type A injury as indicated on the traffic accident report  
19 completed by a law enforcement officer that requires immediate  
20 professional attention in either a doctor's office or a medical  
21 facility. A Type A injury includes severe bleeding wounds,  
22 distorted extremities, and injuries that require the injured  
23 party to be carried from the scene.

24           (d) If a person refuses standardized field sobriety tests  
25 under Section 11-501.9 of this Code, evidence of refusal shall  
26 be admissible in any civil or criminal action or proceeding

1 arising out of acts committed while the person was driving or  
2 in actual physical control of a vehicle and alleged to have  
3 been impaired by the use of cannabis.

4 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;  
5 97-813, eff. 7-13-12; 98-122, eff. 1-1-14.)

6 (625 ILCS 5/11-501.9 new)

7 Sec. 11-501.9. Suspension of drivers license;  
8 cannabis-related suspension for medical cannabis cardholder;  
9 failure of or refusal to complete field sobriety tests; implied  
10 consent.

11 (a) Any person who has been issued a registry  
12 identification card under the Compassionate Use of Medical  
13 Cannabis Pilot Program Act who drives or is in actual physical  
14 control of a motor vehicle upon the public highways of this  
15 State shall be deemed to have given consent to standardized  
16 field sobriety tests approved by the National Highway Traffic  
17 Safety Administration, subject to the provisions of subsection  
18 (a-5) of Section 11-501.2, if detained by a law enforcement  
19 officer who has a reasonable suspicion that the person is  
20 driving or is in actual physical control of a motor vehicle  
21 while impaired by the use of cannabis, or if the person is  
22 arrested for a violation of Section 11-401 of this Code. The  
23 law enforcement officer must have an independent  
24 cannabis-related factual basis giving reasonable suspicion  
25 that the person is driving or in actual physical control of a

1 motor vehicle while impaired by the use of cannabis for  
2 conducting standardized field sobriety tests. This independent  
3 cannabis-related factual basis shall be included with the  
4 results of the standardized field sobriety tests on any reports  
5 made by the law enforcement officer who requests the test. The  
6 person's possession of a registry identification card issued  
7 under the Compassionate Use of Medical Cannabis Pilot Program  
8 Act alone is not a sufficient basis for reasonable suspicion.

9 For purposes of this Section, an Illinois law enforcement  
10 officer of this State who is investigating the person for any  
11 offense defined in Section 11-501 may travel into an adjoining  
12 state, where the person has been transported for medical care,  
13 to complete an investigation and to request that the person  
14 submit to the test or tests set forth in this Section.

15 (b) If the person refuses field sobriety tests or submits  
16 to field sobriety tests that disclose that the person is  
17 impaired by the use of cannabis, the law enforcement officer  
18 shall immediately submit a sworn report to the circuit court of  
19 venue and the Secretary of State, certifying that the test or  
20 tests was or were requested under this Section and the person  
21 refused to submit to field sobriety tests or submitted to field  
22 sobriety tests that disclosed the person was impaired by the  
23 use of cannabis. The sworn report must include the law  
24 enforcement officer's factual basis for reasonable suspicion  
25 that the person was impaired by the use of cannabis.

26 (c) Upon receipt of the sworn report of a law enforcement

1 officer submitted under subsection (b), the Secretary of State  
2 shall enter the suspension to the driving record as follows:

3 (1) for refusal or failure to complete the standardized  
4 field sobriety tests, a 12-month suspension shall be  
5 entered; or

6 (2) for submitting to standardized field sobriety  
7 tests that disclosed the driver was impaired by the use of  
8 cannabis, a 6 month suspension shall be entered.

9 The Secretary of State shall confirm the suspension by  
10 mailing a notice of the effective date of the suspension to the  
11 person and the court of venue. However, if the sworn report is  
12 defective by not containing sufficient information or be  
13 completed in error, the confirmation of the suspension shall  
14 not be mailed to the person or entered to the record; instead,  
15 the sworn report shall be forwarded to the court of venue with  
16 a copy returned to the issuing agency identifying any defect.

17 (d) The law enforcement officer submitting the sworn report  
18 under subsection (b) of this Section shall serve immediate  
19 notice of the suspension on the person and the suspension shall  
20 be effective as provided in subsection (e) of this Section. If  
21 immediate notice of the suspension cannot be given, the  
22 arresting officer or arresting agency shall give notice by  
23 deposit in the United States mail of the notice in an envelope  
24 with postage prepaid and addressed to the person at his or her  
25 address as shown on the Uniform Traffic Ticket and the  
26 suspension shall begin as provided in subsection (e) of this

1 Section. The officer shall confiscate any Illinois driver's  
2 license or permit on the person at the time of arrest. If the  
3 person has a valid driver's license or permit, the officer  
4 shall issue the person a receipt, in a form prescribed by the  
5 Secretary of State, that will allow that person to drive during  
6 the period provided for in subsection (e) of this Section. The  
7 officer shall immediately forward the driver's license or  
8 permit to the circuit court of venue along with the sworn  
9 report provided for in subsection (b) of this Section.

10 (e) The suspension in subsection (c) of this Section shall  
11 take effect on the 46th day following the date the notice of  
12 the suspension was given to the person.

13 (f) Where a driving privilege has been suspended under this  
14 Section and the person is subsequently convicted of violating  
15 Section 11-501, or a similar provision of a local ordinance,  
16 for the same incident, any period served on suspension under  
17 this Section shall be credited toward the minimum period of  
18 revocation of driving privileges imposed under Section 6-205.

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other  
25 Public Act."